

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

Prepared By: The Professional Staff of the Committee on Education

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	Pre-meeting
2.			AED	
3.			AP	

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:¹

- 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

¹ 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.²

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.³ 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.⁴

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.⁵ The SDWA authorizes the United States Environmental Protection Agency (EPA) to set standards for drinking water contaminants in public water systems.⁶ 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),⁷ as required by the SDWA.⁸

² 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).

³ 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.

⁴ *Id.* at 1.

⁵ 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.

⁶ 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.

⁷ 40 C.F.R. Sections 141.80-141.91.

⁸ 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 level⁹ 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.¹⁰ 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.¹¹

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.¹² States and local jurisdictions may establish their own voluntary or mandatory programs for testing drinking water in schools and child-care facilities.¹³

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.¹⁴

Florida Safe Water Requirements

The “Florida Safe Drinking Water Act”¹⁵ (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:¹⁶

- Implement the federal Safe Drinking Water Act.¹⁷
- 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.

⁹ 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.

¹⁰ 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.

¹¹ 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).

¹² 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.

¹³ 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).

¹⁴ 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.

¹⁵ Section 403.850, F.S. The Act includes ss. 403.850-403.891, F.S.

¹⁶ Section 403.851, F.S.

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

In Florida, lead is monitored by the LCR and state rules.¹⁸ The Inorganics Monitoring Rule¹⁹ requires specified public water systems²⁰ 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.²¹ 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.²²

Florida law does not require schools to test or filter drinking water.²³ 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.²⁴

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.²⁵
- Polk County School District, which implemented a testing program in 2016,²⁶ 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.²⁷

¹⁸ 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).

¹⁹ Rule 62-550.513, F.A.C.

²⁰ Sections 403.852(3), (17), and (18).

²¹ 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).

²² *Id.*

²³ 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).

²⁴ 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.

²⁵ 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).

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

²⁷ 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.²⁸

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.²⁹ They can be relatively inexpensive (\$65 to \$250) or more expensive (\$250 to \$500)³⁰ and their effectiveness varies. Filters need routine maintenance (e.g., cartridge filter units need to be replaced periodically) to remain effective.³¹

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.³²

The National Sanitation Foundation (NSF)³³ 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.³⁴

²⁸ 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, at 2.

²⁹ 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, at 2.

³⁰ 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).

³¹ 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, at 2.

³² American National Standards Institute, *What is ANSI? An Overview*, available at https://share.ansi.org/Shared%20Documents/News%20and%20Publications/Brochures/WhatIsANSI_brochure.pdf at 1.

³³ 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).

³⁴ 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.³⁵ 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.³⁶
- 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.³⁷ 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).³⁸

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 school³⁹ built before 1986, the school district must:

³⁵ 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 (last visited Mar. 19, 2019).

³⁶ 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).

³⁷ 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).

³⁸ NSF, *NSF/ANSI-61-2016*, available at https://www.nsf.org/newsroom_pdf/NSF-ANSI_61_watemarked.pdf, at 1.

³⁹ 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.

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.⁴⁰

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.⁴¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1013.29 of the Florida Statutes.

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

⁴¹ *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.

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

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

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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.)

Prepared By: The Professional Staff of the Committee on Education

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	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

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 sources¹ including the required local effort portion of the FEFP.²

District school tax

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

¹ 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.

² *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,³ 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 effort⁴ for the current year.⁵ In addition to the required local effort millage levy, each district school board is authorized to levy a nonvoted current operating discretionary millage.⁶ The Legislature is required to prescribe annually in the GAA the maximum amount of millage a district may levy.⁷

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, 2017.⁸ 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.⁹ The 90 percent limitation reduced the required local effort of six districts.¹⁰ 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).¹¹ The Florida Legislature set the maximum discretionary current operating millage for 2017-2018 at 0.748 mills.¹²

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.¹³ 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.¹⁴ Millage elections must be conducted in accordance with the law.¹⁵ Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program (FEFP)¹⁶ total potential funds and must not be

³ Art. VII, ss. 9(b) or 12, Fla. Const.

⁴ 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.

⁵ Section 1011.71(1), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ 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.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Section 1011.71(9), F.S.

¹⁴ *Id.*

¹⁵ Sections 1011.71(9) and 1011.73, F.S.

¹⁶ 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.¹⁷ 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 law¹⁸ must be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.¹⁹ During fiscal year 2017-2018, 13 school districts levied additional millage for school operational purposes.²⁰ The additional millage ranged between 0.250 and 1.0, generating \$333,639,221 in revenue.²¹

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.²² Such election may be held at any time, except that not more than one such election must be held during any 12-month period.²³ 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.²⁴

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.

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.fl DOE.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 1.

¹⁷ Section 1011.71(9), F.S.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Email. Florida Department of Education (March 18, 2019).

²¹ *Id.*

²² Sections 1011.71(9) and 1011.73(2), F.S.

²³ Section 1011.73(2), F.S.

²⁴ *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.



305436

LEGISLATIVE ACTION

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

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__

A bill to be entitled

An act relating to charter school capital outlay funding; amending s. 1011.71, F.S.; increasing the maximum number of years for which a specified millage may be levied; deleting obsolete language; amending s. 1011.73, F.S.; 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. Subsection (9) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(9) In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may 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 this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy must ~~shall~~ be for a maximum of 10 4 years and must shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to s. 1011.73. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds and may in 2001-2002 or ~~any subsequent year and must~~ not be incorporated in the calculation of any hold-harmless or other component of the

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3-00686-19

2019296__

Florida Education Finance Program formula in any year. 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 pursuant to this subsection must shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

Section 2. Subsection (2) of section 1011.73, Florida Statutes, is amended to read:

1011.73 District millage elections.—

(2) MILLAGE AUTHORIZED NOT TO EXCEED 10 4 YEARS.—The district school board, pursuant to resolution adopted at a regular meeting, shall 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 s. 1011.71(9). Such election may be held at any time, except that not more than one such election may shall be held during any 12-month period. Any millage so authorized must shall be levied for a period not to exceed 10 in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election must shall be considered not to have been held.

Section 3. 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)

3/26/19

Meeting Date

296

Bill Number (if applicable)

Topic

Charter School Capital Outlay 8296

Name

Iranda Mendez-Carfaya

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

Lobbyist registered with Legislature:

Yes

No

Appearing at request of Chair:

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

Email miami-dade.cc@floridapta.org

City State Zip

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 41 ST

Phone 705 513-9995

DONAL FL
City State

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.)

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

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	Favorable
2.	Olenick	Sikes	ED	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

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.¹ 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.²

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 diseases³, including programs to immunize school children⁴ and the development of an automated, electronic, and centralized database or registry for immunization records.⁵

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.⁶

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

¹ Section 381.001, F.S.

² Section 381.003(1), F.S.

³ Measles, mumps, 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).

⁴ See s. 1003.22(3)-(11), F.S.

⁵ Section 381.003(1), F.S.

⁶ Section 381.003(2), F.S.

healthcare providers, schools, and parents keep track of immunization records.⁷ 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.⁸

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.⁹

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.¹⁰

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.¹¹

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

⁷ 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).

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

⁹ Section 381.003(1)(e), F.S.

¹⁰ Section 381.003(1)(e)4., F.S.

¹¹ Section 381.003 (1)(e)2., F.S.

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

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.¹³

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.¹⁴

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.¹⁵ 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 record¹⁶ 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).¹⁷

¹² Section 381.003(1)(e), F.S.

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

¹⁴ Section 381.003(1)(e)4., F.S.

¹⁵ Section 1003.22(4), F.S.

¹⁶ *Id.*

¹⁷ 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,¹⁸ 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.¹⁹

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.²⁰ 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.²¹

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.²²

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.²³ 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;

¹⁸ 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).

¹⁹ 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).

²⁰ 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.

²¹ 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).

²² 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

²³Rule 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.^{24,25} In cooperation with the Department of Education (DOE), the School Health Services Program provides funding for the services mandated by statute.²⁶

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.²⁷

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:

²⁴ 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).

²⁵ 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>

²⁶ See ss. 381.0056, 381.0057, and 402.3026, F.S.

²⁷ 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.²⁸ 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.

²⁸ 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	.	
	.	
	.	
	.	

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



513310

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

17 3. A college or university student, from 19 years of age to
18 23 years of age, who obtains a vaccination from a Florida
19 college or university student health center may refuse to be
20 included in the immunization registry by signing an opt-out form
21 obtained from the department or from a Florida college or
22 university student health center which indicates that the
23 student does not wish to be included in the immunization
24 registry. The opt-out form must be provided to the department
25 and to the healthcare practitioner upon the administration of
26 the vaccination. If the college or university student has
27 refused to be included in the registry, all records regarding
28 the student must be removed from the registry and any reference
29 to the student may not be included in the registry.

By Senator Montford

3-00364-19

2019354__

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

Page 2 of 6

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

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

66 3. A college or university student, from 19 years of age to
 67 23 years of age, who obtains a vaccination from a Florida
 68 college or university student health center may refuse to be
 69 included in the immunization registry by signing a form obtained
 70 from the department, or from a Florida college or university
 71 student health center, which indicates that the student does not
 72 wish to be included in the immunization registry. The decision
 73 not to participate in the immunization registry must be noted in
 74 the registry.

75 ~~4.3.~~ The immunization registry shall allow for immunization
 76 records to be electronically available ~~transferred~~ to entities
 77 that are required by law to have such records, including, but
 78 not limited to, schools and, licensed child care facilities, and
 79 ~~any other entity that is required by law to obtain proof of a~~
 80 ~~child's immunizations.~~

81 ~~5.4.~~ A Any health care practitioner licensed under chapter
 82 458, chapter 459, or chapter 464 in this state who administers
 83 vaccinations or causes vaccinations to be administered to
 84 children from birth to 18 years of age is required to report
 85 vaccination data to the immunization registry, unless a parent
 86 or guardian of a child has refused to have the child included in
 87 the immunization registry by meeting the requirements of

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

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

120 (2) The department may adopt rules pursuant to ss.
 121 120.536(1) and 120.54 to implement this section, repeal, and
 122 amend rules related to the prevention and control of
 123 communicable diseases and the administration of the immunization
 124 registry. Such rules may include procedures for investigating
 125 disease, timeframes for reporting disease, definitions,
 126 procedures for managing specific diseases, requirements for
 127 followup reports of known or suspected exposure to disease, and
 128 procedures for providing access to confidential information
 129 necessary for disease investigations. For purposes of the
 130 immunization registry, the rules may include procedures for a
 131 health care practitioner to obtain authorization to use the
 132 immunization registry, methods for a parent or guardian to elect
 133 not to participate in the immunization registry, and procedures
 134 for a health care practitioner licensed under chapter 458,
 135 chapter 459, or chapter 464 to access and share electronic
 136 immunization records with other entities allowed by law to have
 137 access to the records.

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

140 1003.22 School-entry health examinations; immunization
 141 against communicable diseases; exemptions; duties of Department
 142 of Health.—

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

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146 (a) Prior to admittance to or attendance in a public or
 147 private school, grades kindergarten through 12, or any other
 148 initial entrance into a Florida public or private school, each
 149 child ~~present or~~ have on file with the immunization registry
 150 ~~school~~ a certification of immunization for the prevention of
 151 those communicable diseases for which immunization is required
 152 by the Department of Health. Any child who is excluded from
 153 participation in the immunization registry pursuant to s.
 154 381.003(1)(e)2. must present or have on file with the school
 155 such certification of immunization and further shall provide for
 156 appropriate screening of its students for scoliosis at the
 157 proper age. Such Certification of immunization shall be made on
 158 forms approved and provided by the Department of Health or be on
 159 file with the immunization registry and shall become a part of
 160 each student's permanent record, to be transferred when the
 161 student transfers, is promoted, or changes schools. The transfer
 162 of such immunization certification by Florida public schools
 163 shall be accomplished using the Florida Automated System for
 164 Transferring Education Records and shall be deemed to meet the
 165 requirements of this section.

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

168 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

Phone 205 9000

FLA

City

State

Zip

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

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

3-26

Meeting Date

354

Bill Number (if applicable)

Topic Immunization Registries

Amendment Barcode (if applicable)

Name Jarrod Fowler

Job Title Director of Health Care Policy

Address 1430 Piedmont Dr. E

Phone 252-224-6496

Street

Email jfowler@flmsociety.org

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing Florida Medical Association

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] 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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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 1747 Orlando Central Parkway

Phone 407 855 7604

Street
Orlando FL 32809
City State Zip

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

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3/26/19

Meeting Date

354

Bill Number (if applicable)

Topic Immunization Registry

Amendment Barcode (if applicable)

Name Stephen Winn

Job Title Exec. Director

Address 2544 Blairstone Pines Dr.

Phone 878-7364

Street

Tall. FL 32301

Email winnsr@earthlink.net

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing Florida Osteopathic Medical Association

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] 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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THE FLORIDA SENATE
APPEARANCE RECORD

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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@maile.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.

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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 Vaccine Tracking

Amendment Barcode (if applicable)

Name Mackenzie Fraser

Job Title wife, mother, activist

Address 153 Evernia Loop

Phone 970-418-0493

Street

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.

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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.

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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 Susan Callahan

Job Title RN

Address 3620 Shinnecock Ln.

Phone 904-504-1334

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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.

Phone 386-345-7549

Street

Lake City

City

FL

State

32025

Zip

Email aftonmb@yahoo.com

Speaking: For [] Against [x] Information []

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

Representing NVIC

Appearing at request of Chair: Yes [] No [x]

Lobbyist registered with Legislature: Yes [] No [x]

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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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.

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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

SB354

Bill Number (if applicable)

Topic Immunization Registry

Amendment Barcode (if applicable)

Name Skyler Michael

Job Title _____

Address 1666 Pepper Drive

Phone 386-562-6480

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Tallahassee

FL

32304

Email sjmichael3@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.

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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

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 407-595-1009

Street

New Smyrna Beach FL 32168

City

State

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.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 520

INTRODUCER: Senator Montford

SUBJECT: Funding for School Districts

DATE: March 25, 2019

REVISED: _____

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

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.¹

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 law² or the hourly equivalent of 180 actual teaching days, as prescribed in State Board of Education rule.³ The FEFP provides

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

² Section 1011.60(2), F.S.

³ Rule 6A-1.045111, F.A.C.

funding for a 180-day regular school year, or the hourly equivalent of 180 days.⁴ The hourly equivalent for kindergarten through grade 3 is 720 instructional hours and 900 instructional hours for students in grades 4 through grade 12.⁵

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.⁶

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.⁷ 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:⁸

- 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.⁹ 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 1992,¹⁰ 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.¹¹ In 2004, nine school districts were appropriated a total of \$3.9 million for hurricane recovery.¹²

⁴ *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>.

⁵ *Id.*

⁶ Rule 6A-1.045111, F.A.C

⁷ Section 1011.62(1), F.S.

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

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

¹⁰ Section 3, ch. 92-350, L.O.F.

¹¹ *Id.*

¹² 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__

1 A bill to be entitled
2 An act relating to funding for school districts;
3 holding harmless certain funding to school districts
4 that enrolled students from certain counties as a
5 result of Hurricane Michael; requiring that a
6 calculation and allocation be made; providing for the
7 calculation; providing that the funds calculated
8 support a nonrecurring appropriation; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. In order to hold harmless school districts from
14 a loss of revenue due to students not attending Bay, Calhoun,
15 Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, and
16 Washington schools as a result of Hurricane Michael, the
17 following special one-time calculation and allocation shall be
18 made.

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

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

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.	<u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Olenick</u>	<u>Sikes</u>	<u>ED</u>	<u>Fav/Cs</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

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.¹

The crime of hazing is currently either a third degree felony² or a first degree misdemeanor,³ 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.⁴ 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.⁵

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.⁶

¹ 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.

² 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.

³ 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.

⁴ Section 1006.63(2), F.S.

⁵ Section 1006.63(3), F.S.

⁶ 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.⁷

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

- 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 perpetuation 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.⁹ Therefore, the bill would provide for prosecution of persons who were known to have

⁷ 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).

⁸ Board of Governors, *Notice of Proposed New Regulation* (2019), available at https://www.flbog.edu/documents_regulations/proposed/NoticeofNewRegulation%206.021%20Hazing%20Prohibited.pdf.

⁹ 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 prosecuted¹⁰ 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.¹¹

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.

¹⁰ 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.

¹¹ 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.¹²

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.

¹² 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	.	
	.	
	.	
	.	

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

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

17
18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete line 11

21 and insert:

22 conditions are met; providing immunity from
23 prosecution to persons who meet specified
24 requirements; defining the term "aid"; reenacting s.
25 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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20191080c1

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

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

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

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

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

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

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

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

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

87 (a) Such penalties at Florida College System institutions

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

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

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

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

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

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

116 (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

Supporting
Both

3/26/19

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

Meeting Date

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 _____

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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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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3/26/19
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1080
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Amendment Barcode (if applicable)

Name Renee' Fargason

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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.

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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.)

Prepared By: The Professional Staff of the Committee on Education

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	Favorable
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.¹

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.²

¹ Section 1002.20, F.S.

² *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.³

Florida law also provides for corporal punishment. In accordance with the provisions in law granting teachers the authority and responsibility to control their students,⁴ 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.⁵

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.⁶

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.⁷

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.⁸

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:⁹

- 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.

³ *Id.*

⁴ Section 1003.32, F.S.

⁵ Section 1002.20(4)(c), F.S.

⁶ *Id.*

⁷ Email, Florida Department of Education. (March 22, 2019).

⁸ Section 1003.32, F.S.

⁹ *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:¹⁰

- 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.

¹⁰ 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.

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

By Senator Taddeo

40-00032-19

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

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

62 Section 2. Paragraph (k) of subsection (1) of section
63 1003.32, Florida Statutes, is amended to read:

64 1003.32 Authority of teacher; responsibility for control of
65 students; district school board and principal duties.—Subject to
66 law and to the rules of the district school board, each teacher
67 or other member of the staff of any school shall have such
68 authority for the control and discipline of students as may be
69 assigned to him or her by the principal or the principal's
70 designated representative and shall keep good order in the
71 classroom and in other places in which he or she is assigned to
72 be in charge of students.

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

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

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

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

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

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

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

101 414.1251 Learnfare program.—

102 (1) The department shall reduce the temporary cash
103 assistance for a participant's eligible dependent child or for
104 an eligible teenage participant who has not been exempted from
105 education participation requirements, if the eligible dependent
106 child or eligible teenage participant has been identified either
107 as a habitual truant, pursuant to s. 1003.01(7) ~~s. 1003.01(8)~~,
108 or as a dropout, pursuant to s. 1003.01(8) ~~s. 1003.01(9)~~. For a
109 student who has been identified as a habitual truant, the
110 temporary cash assistance must be reinstated after a subsequent
111 grading period in which the child's attendance has substantially
112 improved. For a student who has been identified as a dropout,
113 the temporary cash assistance must be reinstated after the
114 student enrolls in a public school, receives a high school
115 diploma or its equivalency, enrolls in preparation for the high
116 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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 233 postassessments selected by the provider if the child is 4 years
 234 of age and is enrolled in a program provided by an eligible
 235 Voluntary Prekindergarten Education Program provider. A student
 236 with disabilities for whom a preassessment and postassessment is
 237 not appropriate is exempt from this requirement. A participating
 238 provider shall report a student's scores to the parent.

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

242
 243 A parent who fails to comply with this subsection forfeits the
 244 Gardiner Scholarship.

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

247 1002.42 Private schools.—

248 (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a
 249 private, parochial, religious, or denominational school
 250 satisfies the attendance requirements of ss. 1003.01(12) ~~ss.~~
 251 ~~1003.01(13)~~ and 1003.21(1).

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

254 1002.43 Private tutoring programs.—

255 (1) Regular school attendance as defined in s. 1003.01 ~~ss.~~
 256 ~~1003.01(13)~~ may be achieved by attendance in a private tutoring
 257 program if the person tutoring the student meets the following
 258 requirements:

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

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

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 262 state and district school board and makes regular reports on the
 263 attendance of students in accordance with ~~the provisions of s.~~
 264 1003.23(2).

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

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

269 1003.01 Definitions.—As used in this chapter, the term:

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

277 (13)(14) "Core-curricula courses" means:

278 (a) Courses in language arts/reading, mathematics, social
 279 studies, and science in prekindergarten through grade 3,
 280 excluding extracurricular courses pursuant to subsection (14)
 281 ~~(15)~~;

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

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

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

292 (d) Exceptional student education courses; and

293 (e) English for Speakers of Other Languages courses.

294

295 The term is limited in meaning and used for the sole purpose of
296 designating classes that are subject to the maximum class size
297 requirements established in s. 1, Art. IX of the State
298 Constitution. This term does not include courses offered under
299 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
300 1003.499.

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

303 1003.03 Maximum class size.—

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

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

312 1003.21 School attendance.—

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

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

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

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

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

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

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

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

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

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

353 Section 13. Paragraph (f) of subsection (1) of section
 354 1003.26, Florida Statutes, is amended to read:

355 1003.26 Enforcement of school attendance.—The Legislature
 356 finds that poor academic performance is associated with
 357 nonattendance and that school districts must take an active role
 358 in promoting and enforcing attendance as a means of improving
 359 student performance. It is the policy of the state that each
 360 district school superintendent be responsible for enforcing
 361 school attendance of all students subject to the compulsory
 362 school age in the school district and supporting enforcement of
 363 school attendance by local law enforcement agencies. The
 364 responsibility includes recommending policies and procedures to
 365 the district school board that require public schools to respond
 366 in a timely manner to every unexcused absence, and every absence
 367 for which the reason is unknown, of students enrolled in the
 368 schools. District school board policies shall require the parent
 369 of a student to justify each absence of the student, and that
 370 justification will be evaluated based on adopted district school
 371 board policies that define excused and unexcused absences. The
 372 policies must provide that public schools track excused and
 373 unexcused absences and contact the home in the case of an
 374 unexcused absence from school, or an absence from school for
 375 which the reason is unknown, to prevent the development of
 376 patterns of nonattendance. The Legislature finds that early
 377 intervention in school attendance is the most effective way of

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

382 (1) CONTACT, REFER, AND ENFORCE.—

383 (f)1. If the parent of a child who has been identified as
 384 exhibiting a pattern of nonattendance enrolls the child in a
 385 home education program pursuant to chapter 1002, the district
 386 school superintendent shall provide the parent a copy of s.
 387 1002.41 and the accountability requirements of this paragraph.
 388 The district school superintendent shall also refer the parent
 389 to a home education review committee composed of the district
 390 contact for home education programs and at least two home
 391 educators selected by the parent from a district list of all
 392 home educators who have conducted a home education program for
 393 at least 3 years and who have indicated a willingness to serve
 394 on the committee. The home education review committee shall
 395 review the portfolio of the student, as defined by s. 1002.41,
 396 every 30 days during the district's regular school terms until
 397 the committee is satisfied that the home education program is in
 398 compliance with s. 1002.41(1)(d). The first portfolio review
 399 must occur within the first 30 calendar days of the
 400 establishment of the program. The provisions of subparagraph 2.
 401 do not apply once the committee determines the home education
 402 program is in compliance with s. 1002.41(1)(d).

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

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407 enroll the child in an attendance option that meets the
 408 definition of "regular school attendance" under s.
 409 1003.01(12) (a), (b), (c), or (e) ~~s. 1003.01(13) (a), (b), (c), or~~
 410 ~~(e)~~, within 3 days. Upon termination of a home education program
 411 pursuant to this subparagraph, the parent ~~is shall not be~~
 412 eligible to reenroll the child in a home education program for
 413 180 calendar days. Failure of a parent to enroll the child in an
 414 attendance option as required by this subparagraph after
 415 termination of the home education program pursuant to this
 416 subparagraph shall constitute noncompliance with the compulsory
 417 attendance requirements of s. 1003.21 and may result in criminal
 418 prosecution under s. 1003.27(2). Nothing contained herein shall
 419 restrict the ability of the district school superintendent, or
 420 the ability of his or her designee, to review the portfolio
 421 pursuant to s. 1002.41(1)(e).

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

424 1003.52 Educational services in Department of Juvenile
 425 Justice programs.—

426 (4) Educational services shall be provided at times of the
 427 day most appropriate for the juvenile justice program. School
 428 programming in juvenile justice detention, prevention, day
 429 treatment, and residential programs shall be made available by
 430 the local school district during the juvenile justice school
 431 year, as provided in s. 1003.01(10) ~~s. 1003.01(11)~~. In addition,
 432 students in juvenile justice education programs shall have
 433 access to courses offered pursuant to ss. 1002.37, 1002.45, and
 434 1003.498. The Department of Education and the school districts
 435 shall adopt policies necessary to provide such access.

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

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

439 1006.07 District school board duties relating to student
 440 discipline and school safety.—The district school board shall
 441 provide for the proper accounting for all students, for the
 442 attendance and control of students at school, and for proper
 443 attention to health, safety, and other matters relating to the
 444 welfare of students, including:

445 (1) CONTROL OF STUDENTS.—

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

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

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

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465 parent and teacher association or organization meetings. Each
 466 code shall be based on the rules governing student conduct and
 467 discipline adopted by the district school board and shall be
 468 made available in the student handbook or similar publication.

469 Each code shall include, but is not limited to:

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

472 Section 16. Paragraph (c) of subsection (6) of section
 473 1012.2315, Florida Statutes, is amended to read:

474 1012.2315 Assignment of teachers.—

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

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

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

487 1012.28 Public school personnel; duties of school
 488 principals.—

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

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

500 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

Job Title Chair, Action Team, NCJW Tallahassee

Address 2542 Arthur's Court

Phone 850.559.1312

Tallahassee FL 32301

Email NCJW Tallahassee Action Team@gmail.com

Speaking: For [] Against [x] 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 [x]

Lobbyist registered with Legislature: Yes [] No [x]

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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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)

Name Scott McCoy

Job Title Senior Policy Counsel

Address P.O. Box 10788

Phone 850-521-3042

Street

Tallahassee

FL

32311

Email scott.mccoy@splcenter.org

City

State

Zip

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)

Name Sofia Taddeo-Goldstein

Job Title Student

Address 5043 SW 71st Place

Phone _____

Street

Miami

City

Florida

State

33155

Zip

Email _____

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

SB1120 Bill Number (if applicable)

Topic Corporal Punishment

Amendment Barcode (if applicable)

Name Mary-Lynn Cullen

Job Title Legislative Liaison

Address 1674 University Pkwy. Street

Phone 941-928-0278

Sarasota Fl. 34243 City State Zip

Email achildren@aol.com

Speaking: [X] 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: [X] 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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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)

Name Fely Curva, Ph.D.

Job Title Senior Partner, Curvei Associates LLC

Address 1212 Piedmont Dr.

Phone (858) 508-2256

Street

Tallahassee

FL

32312

Email fely.curva@gmail.com

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing Budd Bell Clearinghouse or Human Services

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] 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 Nancy Lawther

Job Title _____

Address 1747 Orlando Central Parkway

Phone 407 855 7604

Street
Orlando FL 32809
City State Zip

Email miami.dade.cc@flordapta.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

1120

Bill Number (if applicable)

Topic Corporal Punishment

Amendment Barcode (if applicable)

Name Ralph E. Cash

Job Title psychology professor

Address 3535 S. Ocean Drive, Apt. 2806

Phone 954-605-6370

Street

Hollywood, FL

City

State

33019

Zip

Email gcash1@aol.com

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)

1720

Meeting Date

Bill Number (if applicable)

Topic Corporal Punishment

Amendment Barcode (if applicable)

Name GILLOPER

Job Title School Psychologist

Address 10200 SW 122 St

Phone 305-233-5011

Street

City Miami State Fla Zip 33176

Email giloper2630@aol.com

Speaking: [X] For [] Against [] Information

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

Representing Florida Association of School Psychologists

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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 PETER CAPRONI

Job Title PROFESSOR, NSU

Address 19001 SW 65 TH ST
Street

Phone 305 308 6018

FT. LAUDERDALE FL 33332
City State Zip

Email pc491@nova.edu

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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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

Job Title Doctoral Student in School Psychology

Address 125 SW 5th Terrace

Phone 772-643-5735

Street

Gainesville

FL

32601

Email amira.alkhatib@ufl.edu

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing Florida Association of School Psychologists

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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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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)

Name Ashley Edwards

Job Title School Psychology Trainee

Address 2605 NW 124 Ave

Phone (154) 790 7757

Street

Coral Springs

City

FL

State

33065

Zip

Email ae746@mynsu.nova.edu

Speaking: For Against Information

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)

Name John Corra

Job Title Lobbyist - Florida Association of School Psychologists

Address 206 South Mon

Phone 850 222 4428

Tallahassee FL

City

State

32301

Zip

Email ccorra@comcast.net

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

(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 Youmeizi Peng

Job Title School Psychology Trainee

Address 7085 Nava Dr
Street

Phone (434) 333-8192

Davie FL 33317
City State Zip

Email yp281@mymisu.nova.edu

Speaking: For Against Information

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)

Name Keesha Jones

Job Title Clinical Psychology trainee

Address 3470 NW 91st Ave

Phone 954 330 8920

Street

Cooper City

City

FL

State

33024

Zip

Email KJS88@my.usf.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.

Phone 503 709 4348

Davie FL 33314
City State Zip

Email ~~jacklyn~~ JS3892@mynsu.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.

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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

SB 1120
Bill Number (if applicable)

Topic Ban on Corporal Punishment

Amendment Barcode (if applicable)

Name Stephen Beard

Job Title Psychology Doctoral Student

Address 4429 SW 70th Terrace
Street

Phone 503 781 5768

Davie FL 33314
City State Zip

Email sb2730@mynsu.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.)

Prepared By: The Professional Staff of the Committee on Education

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	Favorable
2.			AED	
3.			AP	

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.¹ 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.² A student must score a ‘3’ or higher, on a 5-point scale, to earn postsecondary credit through the AP Program.³

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.⁴ These courses are

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

² *Id.*

³ See ss. 1007.27(5) and 1007.23(1), F.S.

⁴ College Board, AP Capstone Diploma Program, *How it Works*,

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

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.⁸ 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.⁹
- The percentage of a school's students eligible to earn college credit through any of these programs favorably affects the school's grade.¹⁰
- A grade earned in any of these programs is assigned additional weight for determining student eligibility for a Bright Futures Scholarship.¹¹

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.¹² The number of FTE students in each of the funded education programs is multiplied by cost factors¹³ relative to each program to obtain weighted FTE student values.¹⁴

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.¹⁵

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 \$673.¹⁶

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

⁵ *Id.*

⁶ *Id.*

⁷ Email, College Board (Mar. 20, 2019).

⁸ Section 1007.27(1), F.S.

⁹ Section 1003.4295, F.S.

¹⁰ Section 1008.34(3)(b)2.b., F.S.

¹¹ Section 1009.531(3)(a), F.S.

¹² *See* s. 1011.62, F.S.

¹³ 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.

¹⁴ 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>.

¹⁵ Section 1011.62(1)(i-n), F.S.

¹⁶ 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.¹⁷ In the 2017-2018 fiscal year, approximately 7,271 students received either an IB or an AICE diploma, generating approximately \$9.2 million¹⁸ in additional funding to the school districts.¹⁹

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.

¹⁷ Section 1011.62(1)(1-m), F.S.

¹⁸ 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.

¹⁹ 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

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 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

Phone (407) 855-7604

Street

Orlando

FL

32809

City

State

Zip

Email resolutions@floridapt.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

1132 Bill Number (if applicable)

Topic SB 1132

Amendment Barcode (if applicable)

Name Joy Frank

Job Title General Counsel

Address 208 S Monroe

Phone 850 509-9272

Tall FL 32312 City State Zip

Email JFRANK@FDSS.GOV

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

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)

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

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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: 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	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

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.¹ A district school board or a state university may sponsor a charter school.² An entity seeking to open a charter school must apply to the sponsor, who must review or deny the application.³ To ensure financial accountability, the standard charter school application requires:⁴

- 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.⁵

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:⁶

- 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.⁷

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:⁸

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

¹ Section 1002.33(7), F.S.

² Section 1002.33(5), F.S.

³ Section 1002.33(6)(b), F.S.

⁴ Section 1002.33 (6)(a), F.S.

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

⁶ Section 1002.33(7)(a), F.S.

⁷ 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>.

⁸ Section 1002.33(9), F.S.

⁹ *Id.* at (g)1.a.

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

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.¹⁴ 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.¹⁵ Failure to comply with these requirements results in the termination of a charter.¹⁶

A charter school is required to employ certified teachers.¹⁷ 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.¹⁸

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.¹⁹

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.²⁰ Every public school supervisor, principal, and administrator must hold the required certificate through state-approved training.²¹ 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.²² The policies must require all

¹⁰ *Id.* at (g)2.

¹¹ *Id.* at (g)3.

¹² *Id.* at (h).

¹³ Section 1002.33(9)(p)1., F.S.

¹⁴ Section 1012.32(2)(b), F.S.

¹⁵ Section 1002.33(12)(g)4., F.S.

¹⁶ Sections 1002.33(8), (12)(f) and (12)(g)1, F.S.

¹⁷ Section 1002.33(12)(f), F.S.

¹⁸ Section 1012.315, F.S.

¹⁹ Sections 1002.33 and 1012.315, F.S.

²⁰ Section 1002.33(9)(j)4., F.S.

²¹ Section 1012.55(1)(b), F.S.

²² 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.²³

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.²⁴ DOE annually publishes online a list of providers approved to offer virtual instruction programs.²⁵ The DOE-published list includes five approved virtual instruction providers for the 2018-2019 school year.²⁶

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 12.²⁷ A virtual charter school may provide instruction by:²⁸

- 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.²⁹

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

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

²³ *Id.*

²⁴ Section 1002.45(1)(a)2., F.S.

²⁵ 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.)

²⁶ 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).

²⁷ Section 1002.45(1)(c), F.S.

²⁸ Section 1002.45(1)(d), F.S.

²⁹ Section 1002.45(7)(e)

³⁰ 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>.

³¹ 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 435.³² 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.³³ 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 relatives³⁴ 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

³² The provisions of ch. 435 apply to facilitate uniform employment background screening. Section 435.01(1)(b), F.S.

³³ 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.

³⁴ 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	.	
	.	
	.	
	.	

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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12 school chief financial officers. The approved credentialing
13 entity shall:

14 (a) Establish position core competencies, certification
15 requirements, testing instruments, and recertification
16 requirements for charter school principals, charter school
17 governing board members, and charter school chief financial
18 officers.

19 (b) Establish a process to administer the certification
20 application, award, and maintenance processes.

21 (c) Develop and administer:

22 1. A code of ethics and disciplinary process.

23 2. Biennial continuing education requirements and annual
24 certification renewal requirements.

25 3. An education provider program to approve training
26 entities that are qualified to provide precertification training
27 to applicants and continuing education opportunities to
28 certified persons.

29 (2) A credentialing entity shall establish a certification
30 program that:

31 (a) Is directly related to the core competencies.

32 (b) Establishes minimum requirements in each of the
33 following categories:

34 1. Training.

35 2. On-the-job work experience.

36 3. Supervision.

37 4. Testing.

38 5. Biennial continuing education.

39 (c) Requires adherence to a code of ethics and provides for
40 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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99 redesignated as paragraphs (h), (i), and (j), respectively, and
100 a new paragraph (g) is added to that subsection, paragraph (g)
101 is added to subsection (8), and paragraph (b) of subsection (6)
102 and paragraph (a) of subsection (7) of that section are amended,
103 to read:

104 1002.33 Charter schools.—

105 (6) APPLICATION PROCESS AND REVIEW.—Charter school
106 applications are subject to the following requirements:

107 (b) A sponsor shall receive and review all applications for
108 a charter school using the evaluation instrument developed by
109 the Department of Education. A sponsor shall receive and
110 consider charter school applications received on or before
111 August 1 of each calendar year for charter schools to be opened
112 at the beginning of the school district's next school year, or
113 to be opened at a time determined ~~agreed to~~ by the applicant and
114 the sponsor. A sponsor may not refuse to receive a charter
115 school application submitted before August 1 and may receive an
116 application submitted later than August 1 if it chooses.

117 ~~Beginning in 2018 and thereafter,~~ A sponsor shall also receive
118 and consider charter school applications received on or before
119 February 1 of each calendar year for charter schools to be
120 opened ~~18 months later~~ at the beginning of the school district's
121 school year, or to be opened at a time determined by the
122 applicant. A sponsor may not refuse to receive a charter school
123 application submitted before February 1 and may receive an
124 application submitted later than February 1 if it chooses. A
125 sponsor may not charge an applicant for a charter any fee for
126 the processing or consideration of an application, and a sponsor
127 may not base its consideration or approval of a final



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128 application upon the promise of future payment of any kind. If
129 an applicant is ready to do so, it may open a charter school
130 before the school district's next school year after approval of
131 the charter school application submitted by either application
132 deadline. Before approving or denying any application, the
133 sponsor shall allow the applicant, upon receipt of written
134 notification, at least 7 calendar days to make technical or
135 nonsubstantive corrections and clarifications, including, but
136 not limited to, corrections of grammatical, typographical, and
137 like errors or missing signatures, if such errors are identified
138 by the sponsor as cause to deny the final application.

139 1. In order to facilitate an accurate budget projection
140 process, a sponsor shall be held harmless for FTE students who
141 are not included in the FTE projection due to approval of
142 charter school applications after the FTE projection deadline.
143 In a further effort to facilitate an accurate budget projection,
144 within 15 calendar days after receipt of a charter school
145 application, a sponsor shall report to the Department of
146 Education the name of the applicant entity, the proposed charter
147 school location, and its projected FTE.

148 2. In order to ensure fiscal responsibility, an application
149 for a charter school shall include a full accounting of expected
150 assets, a projection of expected sources and amounts of income,
151 including income derived from projected student enrollments and
152 from community support, and an expense projection that includes
153 full accounting of the costs of operation, including start-up
154 costs.

155 3.a. A sponsor shall by a majority vote approve or deny an
156 application no later than 90 calendar days after the application



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157 is received, unless the sponsor and the applicant mutually agree
158 in writing to temporarily postpone the vote to a specific date,
159 at which time the sponsor shall by a majority vote approve or
160 deny the application. If the sponsor fails to act on the
161 application, an applicant may appeal to the State Board of
162 Education as provided in paragraph (c). If an application is
163 denied, the sponsor shall, within 10 calendar days after such
164 denial, articulate in writing the specific reasons, based upon
165 good cause, supporting its denial of the application and shall
166 provide the letter of denial and supporting documentation to the
167 applicant and to the Department of Education.

168 b. An application submitted by a high-performing charter
169 school identified pursuant to s. 1002.331 or a high-performing
170 charter school system identified pursuant to s. 1002.332 may be
171 denied by the sponsor only if the sponsor demonstrates by clear
172 and convincing evidence that:

173 (I) The application of a high-performing charter school
174 does not materially comply with the requirements in paragraph
175 (a) or, for a high-performing charter school system, the
176 application does not materially comply with s. 1002.332(2)(b);

177 (II) The charter school proposed in the application does
178 not materially comply with the requirements in paragraphs
179 (9)(a)-(f);

180 (III) The proposed charter school's educational program
181 does not substantially replicate that of the applicant or one of
182 the applicant's high-performing charter schools;

183 (IV) The applicant has made a material misrepresentation or
184 false statement or concealed an essential or material fact
185 during the application process; or



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186 (V) The proposed charter school's educational program and
187 financial management practices do not materially comply with the
188 requirements of this section.

189
190 Material noncompliance is a failure to follow requirements or a
191 violation of prohibitions applicable to charter school
192 applications, which failure is quantitatively or qualitatively
193 significant either individually or when aggregated with other
194 noncompliance. An applicant is considered to be replicating a
195 high-performing charter school if the proposed school is
196 substantially similar to at least one of the applicant's high-
197 performing charter schools and the organization or individuals
198 involved in the establishment and operation of the proposed
199 school are significantly involved in the operation of replicated
200 schools.

201 c. If the sponsor denies an application submitted by a
202 high-performing charter school or a high-performing charter
203 school system, the sponsor must, within 10 calendar days after
204 such denial, state in writing the specific reasons, based upon
205 the criteria in sub-subparagraph b., supporting its denial of
206 the application and must provide the letter of denial and
207 supporting documentation to the applicant and to the Department
208 of Education. The applicant may appeal the sponsor's denial of
209 the application in accordance with paragraph (c).

210 4. For budget projection purposes, the sponsor shall report
211 to the Department of Education the approval or denial of an
212 application within 10 calendar days after such approval or
213 denial. In the event of approval, the report to the Department
214 of Education shall include the final projected FTE for the



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215 approved charter school.

216 5. Upon approval of an application, the initial startup
217 shall commence with the beginning of the public school calendar
218 for the district in which the charter is granted. A charter
219 school may defer the opening of the school's operations for up
220 to 3 years to provide time for adequate facility planning. The
221 charter school must provide written notice of such intent to the
222 sponsor and the parents of enrolled students at least 30
223 calendar days before the first day of school.

224 (7) CHARTER.—The terms and conditions for the operation of
225 a charter school shall be set forth by the sponsor and the
226 applicant in a written contractual agreement, called a charter.
227 The sponsor and the governing board of the charter school shall
228 use the standard charter contract pursuant to subsection (21),
229 which shall incorporate the approved application and any addenda
230 approved with the application. Any term or condition of a
231 proposed charter contract that differs from the standard charter
232 contract adopted by rule of the State Board of Education shall
233 be presumed a limitation on charter school flexibility. The
234 sponsor may not impose unreasonable rules or regulations that
235 violate the intent of giving charter schools greater flexibility
236 to meet educational goals. The charter shall be signed by the
237 governing board of the charter school and the sponsor, following
238 a public hearing to ensure community input.

239 (a) The charter shall address and criteria for approval of
240 the charter shall be based on:

241 1. The school's mission, the students to be served, and the
242 ages and grades to be included.

243 2. The focus of the curriculum, the instructional methods



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244 to be used, any distinctive instructional techniques to be
245 employed, and identification and acquisition of appropriate
246 technologies needed to improve educational and administrative
247 performance which include a means for promoting safe, ethical,
248 and appropriate uses of technology which comply with legal and
249 professional standards.

250 a. The charter shall ensure that reading is a primary focus
251 of the curriculum and that resources are provided to identify
252 and provide specialized instruction for students who are reading
253 below grade level. The curriculum and instructional strategies
254 for reading must be consistent with the Next Generation Sunshine
255 State Standards and grounded in scientifically based reading
256 research.

257 b. In order to provide students with access to diverse
258 instructional delivery models, to facilitate the integration of
259 technology within traditional classroom instruction, and to
260 provide students with the skills they need to compete in the
261 21st century economy, the Legislature encourages instructional
262 methods for blended learning courses consisting of both
263 traditional classroom and online instructional techniques.
264 Charter schools may implement blended learning courses which
265 combine traditional classroom instruction and virtual
266 instruction. Students in a blended learning course must be full-
267 time students of the charter school pursuant to s.
268 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
269 1012.55 who provide virtual instruction for blended learning
270 courses may be employees of the charter school or may be under
271 contract to provide instructional services to charter school
272 students. At a minimum, such instructional personnel must hold



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273 an active state or school district adjunct certification under
274 s. 1012.57 for the subject area of the blended learning course.
275 The funding and performance accountability requirements for
276 blended learning courses are the same as those for traditional
277 courses.

278 3. The current incoming baseline standard of student
279 academic achievement, the outcomes to be achieved, and the
280 method of measurement that will be used. The criteria listed in
281 this subparagraph shall include a detailed description of:

282 a. How the baseline student academic achievement levels and
283 prior rates of academic progress will be established.

284 b. How these baseline rates will be compared to rates of
285 academic progress achieved by these same students while
286 attending the charter school.

287 c. To the extent possible, how these rates of progress will
288 be evaluated and compared with rates of progress of other
289 closely comparable student populations.

290
291 The district school board is required to provide academic
292 student performance data to charter schools for each of their
293 students coming from the district school system, as well as
294 rates of academic progress of comparable student populations in
295 the district school system.

296 4. The methods used to identify the educational strengths
297 and needs of students and how well educational goals and
298 performance standards are met by students attending the charter
299 school. The methods shall provide a means for the charter school
300 to ensure accountability to its constituents by analyzing
301 student performance data and by evaluating the effectiveness and



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302 efficiency of its major educational programs. Students in
303 charter schools shall, at a minimum, participate in the
304 statewide assessment program created under s. 1008.22.

305 5. In secondary charter schools, a method for determining
306 that a student has satisfied the requirements for graduation in
307 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

308 6. A method for resolving conflicts between the governing
309 board of the charter school and the sponsor.

310 7. The admissions procedures and dismissal procedures,
311 including the school's code of student conduct. Admission or
312 dismissal must not be based on a student's academic performance.

313 8. The ways by which the school will achieve a
314 racial/ethnic balance reflective of the community it serves or
315 within the racial/ethnic range of other public schools in the
316 same school district.

317 9. The financial and administrative management of the
318 school, including a reasonable demonstration of the professional
319 experience or competence of those individuals or organizations
320 applying to operate the charter school or those hired or
321 retained to perform such professional services and the
322 description of clearly delineated responsibilities and the
323 policies and practices needed to effectively manage the charter
324 school. A description of internal audit procedures and
325 establishment of controls to ensure that financial resources are
326 properly managed must be included. Both public sector and
327 private sector professional experience shall be equally valid in
328 such a consideration.

329 10. The asset and liability projections required in the
330 application which are incorporated into the charter and shall be



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331 compared with information provided in the annual report of the
332 charter school.

333 11. A description of procedures that identify various risks
334 and provide for a comprehensive approach to reduce the impact of
335 losses; plans to ensure the safety and security of students and
336 staff; plans to identify, minimize, and protect others from
337 violent or disruptive student behavior; and the manner in which
338 the school will be insured, including whether or not the school
339 will be required to have liability insurance, and, if so, the
340 terms and conditions thereof and the amounts of coverage.

341 12. The term of the charter which shall provide for
342 cancellation of the charter if insufficient progress has been
343 made in attaining the student achievement objectives of the
344 charter and if it is not likely that such objectives can be
345 achieved before expiration of the charter. The initial term of a
346 charter shall be for 5 years, excluding 2 planning years. In
347 order to facilitate access to long-term financial resources for
348 charter school construction, charter schools that are operated
349 by a municipality or other public entity as provided by law are
350 eligible for up to a 15-year charter, subject to approval by the
351 district school board. A charter lab school is eligible for a
352 charter for a term of up to 15 years. In addition, to facilitate
353 access to long-term financial resources for charter school
354 construction, charter schools that are operated by a private,
355 not-for-profit, s. 501(c)(3) status corporation are eligible for
356 up to a 15-year charter, subject to approval by the district
357 school board. Such long-term charters remain subject to annual
358 review and may be terminated during the term of the charter, but
359 only according to the provisions set forth in subsection (8).



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360 13. The facilities to be used and their location. The
361 sponsor may not require a charter school to have a certificate
362 of occupancy or a temporary certificate of occupancy for such a
363 facility earlier than 15 calendar days before the first day of
364 school.

365 14. The qualifications to be required of the teachers and
366 the potential strategies used to recruit, hire, train, and
367 retain qualified staff to achieve best value.

368 15. The governance structure of the school, including the
369 status of the charter school as a public or private employer as
370 required in paragraph (12) (j) ~~(12) (i)~~.

371 16. A timetable for implementing the charter which
372 addresses the implementation of each element thereof and the
373 date by which the charter shall be awarded in order to meet this
374 timetable.

375 17. In the case of an existing public school that is being
376 converted to charter status, alternative arrangements for
377 current students who choose not to attend the charter school and
378 for current teachers who choose not to teach in the charter
379 school after conversion in accordance with the existing
380 collective bargaining agreement or district school board rule in
381 the absence of a collective bargaining agreement. However,
382 alternative arrangements shall not be required for current
383 teachers who choose not to teach in a charter lab school, except
384 as authorized by the employment policies of the state university
385 which grants the charter to the lab school.

386 18. Full disclosure of the identity of all relatives
387 employed by the charter school who are related to the charter
388 school owner, president, chairperson of the governing board of



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389 directors, superintendent, governing board member, principal,
390 assistant principal, or any other person employed by the charter
391 school who has equivalent decisionmaking authority. For the
392 purpose of this subparagraph, the term "relative" means father,
393 mother, son, daughter, brother, sister, uncle, aunt, first
394 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
395 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
396 stepfather, stepmother, stepson, stepdaughter, stepbrother,
397 stepsister, half brother, or half sister.

398 19. Implementation of the activities authorized under s.
399 1002.331 by the charter school when it satisfies the eligibility
400 requirements for a high-performing charter school. A high-
401 performing charter school shall notify its sponsor in writing by
402 March 1 if it intends to increase enrollment or expand grade
403 levels the following school year. The written notice shall
404 specify the amount of the enrollment increase and the grade
405 levels that will be added, as applicable.

406 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

407 (g)1. If a charter is terminated or a charter school closes
408 before the end of a school year or within 3 years after
409 beginning operations and, after a specific finding by the school
410 district of material fraud, disregard of generally accepted
411 accounting principles, or of intentional malfeasance by an
412 applicant for the charter, the charter school owner, the charter
413 school president, charter school governing board members, and
414 the relatives of such owner, upon findings made by the school
415 district, the applicant for the charter, the charter school
416 owner, the charter school president, the charter school
417 governing board members, and the relatives of such owner,



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418 president, or governing board member may not submit an
419 application to open a charter school in this state pursuant to
420 subsection (6) for a period of 5 years after the termination of
421 the charter or closure of the charter school. The applicant for
422 the charter, the charter school owner, the charter school
423 president, the charter school governing board members, and the
424 relatives of such owner, president, or governing board member,
425 may appeal to the charter appeals commission the school
426 district's finding of material fraud, intentional malfeasance,
427 or disregard of generally accepted accounting principles.

428 2. If a charter school owner, a charter school president, a
429 member of a charter school governing board, a charter management
430 organization, or an education management organization is
431 convicted of a crime, including, but not limited to, material
432 fraud or serious financial theft offenses, misrepresentation,
433 fraud, or misappropriation related to the operation of a charter
434 school, that owner, president, or governing board member,
435 including any relatives of such individuals, or the charter
436 management organization or the education management
437 organization, may not submit an application to open a charter
438 school in this state pursuant to subsection (6) for a period of
439 10 years after such conviction.

440
441 For the purpose of this paragraph, the term "relative" has the
442 same meaning as specified in subparagraph (24) (a)2.

443 (12) EMPLOYEES OF CHARTER SCHOOLS.—

444 (g) Each charter school principal, governing board member,
445 chief financial officer, or equivalent position must hold a
446 valid certification issued by a third-party credentialing entity



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447 that is recognized under s. 1001.241, at least 30 days before
448 the school opens or within 30 days of the first date of
449 employment, whichever comes first. The credentialing entity must
450 certify the individual's core competence in the administration
451 of a charter school, including, but not limited to, developing
452 and adjusting business plans; accurate financial planning and
453 good business practices, including accounting for costs and
454 income; state and federal grant and student performance
455 accountability requirements; identification of, and application
456 for, state and federal funding sources; and governance,
457 including government in the sunshine, conflicts of interest,
458 ethics, and financial responsibility. An individual certified
459 under this paragraph meets the training requirements under
460 subparagraph (h)3., paragraph (6)(f), and subparagraph (9)(j)4.

461 Section 3. Paragraph (d) of subsection (1) of section
462 1002.45, Florida Statutes, is amended to read:

463 1002.45 Virtual instruction programs.-

464 (1) PROGRAM.-

465 (d) A virtual charter school may provide part-time and
466 full-time virtual instruction for students in kindergarten
467 through grade 12 if the virtual charter school has a charter
468 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~
469 ~~instruction~~. A virtual charter school may:

470 1. Contract with the Florida Virtual School.

471 2. Contract with or be an approved provider under
472 subsection (2).

473 3. Enter into an agreement with a school district to allow
474 the participation of the virtual charter school's students in
475 the school district's virtual instruction program. The agreement



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476 must indicate a process for reporting of student enrollment and
477 the transfer of funds required by paragraph (7) (e).

478 Section 4. Paragraph (b) of subsection (2) of section
479 1012.32, Florida Statutes, is amended to read:

480 1012.32 Qualifications of personnel.—

481 (2)

482 (b) Instructional and noninstructional personnel who are
483 hired or contracted to fill positions in any charter school and
484 members of the governing board of any charter school, in
485 compliance with s. 1002.33(12) (h) ~~s. 1002.33(12) (g)~~, must, upon
486 employment, engagement of services, or appointment, undergo
487 background screening as required under s. 1012.465 or s.
488 1012.56, whichever is applicable, by filing with any single the
489 district school board for the school district in which one of
490 the charter governing board's charter schools the charter school
491 is located a complete set of fingerprints taken by an authorized
492 law enforcement agency or an employee of the school or school
493 district who is trained to take fingerprints. Once such
494 instructional and noninstructional personnel are fingerprinted
495 and pass the appropriate background check in any single school
496 district, such fingerprints and background check shall be valid
497 for a period of 3 years and valid in all school districts
498 throughout the state.

499
500 Fingerprints shall be submitted to the Department of Law
501 Enforcement for statewide criminal and juvenile records checks
502 and to the Federal Bureau of Investigation for federal criminal
503 records checks. A person subject to this subsection who is found
504 ineligible for employment under s. 1012.315, or otherwise found



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505 through background screening to have been convicted of any crime
506 involving moral turpitude as defined by rule of the State Board
507 of Education, shall not be employed, engaged to provide
508 services, or serve in any position that requires direct contact
509 with students. Probationary persons subject to this subsection
510 terminated because of their criminal record have the right to
511 appeal such decisions. The cost of the background screening may
512 be borne by the district school board, the charter school, the
513 employee, the contractor, or a person subject to this
514 subsection. A district school board shall reimburse a charter
515 school the cost of background screening if it does not notify
516 the charter school of the eligibility of a governing board
517 member or instructional or noninstructional personnel within the
518 earlier of 14 days after receipt of the background screening
519 results from the Florida Department of Law Enforcement or 30
520 days of submission of fingerprints by the governing board member
521 or instructional or noninstructional personnel.

522 Section 5. This act shall take effect January 1, 2020.

523
524 ===== T I T L E A M E N D M E N T =====

525 And the title is amended as follows:

526 Delete everything before the enacting clause
527 and insert:

528 A bill to be entitled
529 An act relating to charter schools; creating s.
530 1001.241, F.S.; requiring the Department of Education
531 to approve credentialing entities for a specified
532 purpose; requiring credentialing entities to
533 establish, develop, and administer specified



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534 requirements and processes; requiring credentialing
535 entities to establish a certification program;
536 providing requirements for the certification program;
537 requiring credentialing entities to establish certain
538 fees; providing requirements for such fees; providing
539 that applicants who submit applications to a
540 credentialing entity are subject to a certain
541 background screening; providing for the ineligibility
542 of certain applicants; requiring the Department of Law
543 Enforcement to notify the credentialing entity of an
544 applicant's background screening results; requiring
545 credentialing entities to issue certificates of
546 compliance upon approval of a person's application;
547 providing for termination of the certification after a
548 specified time period if the certification is not
549 renewed; authorizing credentialing entities to suspend
550 or revoke a certificate of compliance under specified
551 conditions; requiring charter schools to remove a
552 charter school principal, charter school governing
553 board member, or charter school chief financial
554 officer from his or her position, as applicable, under
555 specified conditions; requiring charter schools to
556 notify the credentialing entity of such removal;
557 providing that certain decisions by a department-
558 recognized credentialing program are reviewable by the
559 Department of Education; providing that an aggrieved
560 person may request an administrative hearing within a
561 specified timeframe after receiving an adverse
562 determination after completion of an appeals process



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563 offered by the credentialing program; amending s.
564 1002.33, F.S.; deleting obsolete language; revising
565 charter school application deadline requirements;
566 authorizing certain charter school applicants to open
567 charter schools before a specified timeframe and after
568 approval; prohibiting specified individuals and
569 entities from submitting an application to open a
570 charter school for specified periods of time; defining
571 the term "relative" for the purpose of applying the
572 prohibition; requiring each charter school principal,
573 governing board member, chief financial officer, or
574 their equivalent, to meet certain certification
575 requirements; amending s. 1002.45, F.S.; authorizing
576 virtual charter schools to provide part-time virtual
577 instruction for certain students; providing that a
578 charter school may be an approved provider; amending
579 s. 1012.32, F.S.; conforming a cross-reference;
580 revising fingerprint filing requirements for charter
581 school instructional and noninstructional personnel;
582 providing that fingerprints and background checks of
583 such personnel who meet certain requirements are valid
584 for a specified period of time in all school
585 districts; providing an effective date.

By Senator Farmer

34-00658B-19

20191224__

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

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

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59 combine traditional classroom instruction and virtual
 60 instruction. Students in a blended learning course must be full-
 61 time students of the charter school pursuant to s.
 62 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
 63 1012.55 who provide virtual instruction for blended learning
 64 courses may be employees of the charter school or may be under
 65 contract to provide instructional services to charter school
 66 students. At a minimum, such instructional personnel must hold
 67 an active state or school district adjunct certification under
 68 s. 1012.57 for the subject area of the blended learning course.
 69 The funding and performance accountability requirements for
 70 blended learning courses are the same as those for traditional
 71 courses.

72 3. The current incoming baseline standard of student
 73 academic achievement, the outcomes to be achieved, and the
 74 method of measurement that will be used. The criteria listed in
 75 this subparagraph shall include a detailed description of:

76 a. How the baseline student academic achievement levels and
 77 prior rates of academic progress will be established.

78 b. How these baseline rates will be compared to rates of
 79 academic progress achieved by these same students while
 80 attending the charter school.

81 c. To the extent possible, how these rates of progress will
 82 be evaluated and compared with rates of progress of other
 83 closely comparable student populations.

84
 85 The district school board is required to provide academic
 86 student performance data to charter schools for each of their
 87 students coming from the district school system, as well as

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88 rates of academic progress of comparable student populations in
 89 the district school system.

90 4. The methods used to identify the educational strengths
 91 and needs of students and how well educational goals and
 92 performance standards are met by students attending the charter
 93 school. The methods shall provide a means for the charter school
 94 to ensure accountability to its constituents by analyzing
 95 student performance data and by evaluating the effectiveness and
 96 efficiency of its major educational programs. Students in
 97 charter schools shall, at a minimum, participate in the
 98 statewide assessment program created under s. 1008.22.

99 5. In secondary charter schools, a method for determining
 100 that a student has satisfied the requirements for graduation in
 101 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

102 6. A method for resolving conflicts between the governing
 103 board of the charter school and the sponsor.

104 7. The admissions procedures and dismissal procedures,
 105 including the school's code of student conduct. Admission or
 106 dismissal must not be based on a student's academic performance.

107 8. The ways by which the school will achieve a
 108 racial/ethnic balance reflective of the community it serves or
 109 within the racial/ethnic range of other public schools in the
 110 same school district.

111 9. The financial and administrative management of the
 112 school, including a reasonable demonstration of the professional
 113 experience or competence of those individuals or organizations
 114 applying to operate the charter school or those hired or
 115 retained to perform such professional services and the
 116 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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175 the absence of a collective bargaining agreement. However,
 176 alternative arrangements shall not be required for current
 177 teachers who choose not to teach in a charter lab school, except
 178 as authorized by the employment policies of the state university
 179 which grants the charter to the lab school.

180 18. Full disclosure of the identity of all relatives
 181 employed by the charter school who are related to the charter
 182 school owner, president, chairperson of the governing board of
 183 directors, superintendent, governing board member, principal,
 184 assistant principal, or any other person employed by the charter
 185 school who has equivalent decisionmaking authority. For the
 186 purpose of this subparagraph, the term "relative" means father,
 187 mother, son, daughter, brother, sister, uncle, aunt, first
 188 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 189 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 190 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 191 stepsister, half brother, or half sister.

192 19. Implementation of the activities authorized under s.
 193 1002.331 by the charter school when it satisfies the eligibility
 194 requirements for a high-performing charter school. A high-
 195 performing charter school shall notify its sponsor in writing by
 196 March 1 if it intends to increase enrollment or expand grade
 197 levels the following school year. The written notice shall
 198 specify the amount of the enrollment increase and the grade
 199 levels that will be added, as applicable.

200 (12) EMPLOYEES OF CHARTER SCHOOLS.—

201 (g) Each charter school principal, governing board member,
 202 chief financial officer, or equivalent position must hold a
 203 valid certification issued by a third-party credentialing

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

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204 organization that is recognized under s. 402.40, at least 30
 205 days before the school opens or within 30 days of the first date
 206 of employment, whichever comes first. The credentialing
 207 organization must certify the individual's core competence in
 208 the administration of a charter school, including, but not
 209 limited to, developing and adjusting business plans; accurate
 210 financial planning and good business practices, including
 211 accounting for costs and income; state and federal grant and
 212 student performance accountability requirements; identification
 213 of, and application for, state and federal funding sources;
 214 governance, including government in the sunshine, conflicts of
 215 interest, ethics, and financial responsibility. An individual
 216 certified under this paragraph meets the training requirements
 217 under subparagraph (h)3., paragraph (6) (f), and subparagraph
 218 (9) (j) 4.

219 Section 2. Paragraph (b) of subsection (2) of section
 220 1012.32, Florida Statutes, is amended to read:

221 1012.32 Qualifications of personnel.—

222 (2)

223 (b) Instructional and noninstructional personnel who are
 224 hired or contracted to fill positions in any charter school and
 225 members of the governing board of any charter school, in
 226 compliance with s. 1002.33(12) (h) ~~s. 1002.33(12) (g)~~, must, upon
 227 employment, engagement of services, or appointment, undergo
 228 background screening as required under s. 1012.465 or s.
 229 1012.56, whichever is applicable, by filing with the district
 230 school board for the school district in which the charter school
 231 is located a complete set of fingerprints taken by an authorized
 232 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

Phone (407) 855-7604

Orlando

City

FL

State

32809

Zip

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

(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)

Topic Charter School Employees

Amendment Barcode (if applicable)

Name Khanh-Lien Banko (con Lynn)

Job Title Resolutions Chair

Address 1747 Orlando Central Parkway

Phone (407) 855-7604

Orlando, FL 32809
City State Zip

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.)

Prepared By: The Professional Staff of the Committee on Education

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	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

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.¹ The FEFP, which is the primary mechanism for funding the operating costs of Florida school districts, provides for equalized funding by recognizing:²

- 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.³ The number of full-time equivalent (FTE) students in each of the funded education programs is multiplied by cost factors⁴ relative to each program to obtain weighted FTE student values.⁵ Weighted FTE student values are then multiplied by a base student allocation⁶ and by a district cost differential (DCD) to determine the base funding from state and local FEFP funds for a school district.⁷

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.⁸

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.⁹ The FPLI compares the cost of purchasing goods and services in each district.¹⁰ The FPLI includes an "amenity factor" based on wage data that

¹ 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.

² *Id.*

³ Section 1011.62(1)(c), F.S.

⁴ 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.

⁵ 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.

⁶ As determined in the annual General Appropriations Act. Section 1011.62(1)(b), F.S.

⁷ Section 1011.62, F.S.; Florida Department of Education, <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, *supra* note 1.

⁸ Section 1011.62(2), F.S.

⁹ 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>.

¹⁰ 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.¹¹ 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.¹²

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.¹³ Leon County had the median DCD of 0.9714.¹⁴

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.¹⁵ 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.¹⁶

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.

¹¹ *Id.*; and Dewey, <https://floridapoly.edu/wp-content/uploads/2017fppli.pdf>, *supra* note 13.

¹² *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. 29 U.S.C. s. 2.

¹³ 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.

¹⁴ *Id.*

¹⁵ Section 213.053(2)(a), F.S.

¹⁶ 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	.	
	.	
	.	
	.	

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

12 result for each district shall be multiplied by 0.008 and to the
13 resulting product shall be added 0.200; the sum thus obtained
14 shall be the cost differential for that district for that year.

15 (b) Beginning in the 2020-2021 fiscal year, the district
16 cost differential shall be calculated by multiplying the most
17 recent 3-year average wage level index for each school district
18 by 0.008 and then adding 0.200 to the product. The data for the
19 most recent 3 years must include, but is not limited to, county-
20 level wage index data and occupational-level wage index data.
21 During the development of the wage level index, the Department
22 of Education shall consult with informed stakeholders, including
23 school districts, industry representatives, the Department of
24 Economic Opportunity, and academic and private sector experts in
25 econometric modeling and data. The Department of Education shall
26 develop and calculate the wage level index by January 1, 2020.

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete lines 6 - 9

31 and insert:

32 from the Florida Education Finance Program beginning
33 in a specified school year; requiring the Department
34 of Education to consult with specified individuals and
35 entities during the development of the wage level
36 index; requiring the department to complete the
37 development and calculation of the wage level index by
38 a specified date for application beginning in the
39 2020-2021 fiscal year; amending s. 213.053, F.S.;

By Senator Diaz

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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

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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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59 reports, accounts, or declarations filed by persons subject to
60 tax, shall be made available to the following in performance of
61 their official duties:

62 1. The Auditor General or his or her authorized agent;
63 2. The director of the Office of Program Policy Analysis
64 and Government Accountability or his or her authorized agent;
65 3. The Chief Financial Officer or his or her authorized
66 agent;

67 4. The Director of the Office of Insurance Regulation of
68 the Financial Services Commission or his or her authorized
69 agent;

70 5. A property appraiser or tax collector or their
71 authorized agents pursuant to s. 195.084(1);

72 ~~6. Designated employees of the Department of Education~~
73 ~~solely for determination of each school district's price level~~
74 ~~index pursuant to s. 1011.62(2);~~

75 ~~6.7.~~ The executive director of the Department of Economic
76 Opportunity or his or her authorized agent;

77 ~~7.8.~~ The taxpayers' rights advocate or his or her
78 authorized agent pursuant to s. 20.21(3); and

79 ~~8.9.~~ The coordinator of the Office of Economic and
80 Demographic Research or his or her authorized agent.

81 ~~(d) For the purpose of this subsection, "designated~~
82 ~~employees of the Department of Education" means only those~~
83 ~~employees directly responsible for calculation of price level~~
84 ~~indices pursuant to s. 1011.62(2). It does not include the~~
85 ~~supervisors of such employees or any other employees or elected~~
86 ~~officials within the Department of Education.~~

87 Section 3. For the purpose of incorporating the amendment

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88 made by this act to section 1011.62, Florida Statutes, in a
89 reference thereto, subsection (6) of section 402.22, Florida
90 Statutes, is reenacted to read:

91 402.22 Education program for students who reside in
92 residential care facilities operated by the Department of
93 Children and Families or the Agency for Persons with
94 Disabilities.—

95 (6) Notwithstanding the provisions of s. 1001.42(4)(n), the
96 educational program at the Marianna Sunland Center in Jackson
97 County shall be operated by the Department of Education, either
98 directly or through grants or contractual agreements with other
99 public educational agencies. The annual state allocation to any
100 such agency shall be computed pursuant to s. 1011.62(1), (2),
101 and (6) and allocated in the amount that would have been
102 provided the local school district in which the residential
103 facility is located.

104 Section 4. For the purpose of incorporating the amendment
105 made by this act to section 1011.62, Florida Statutes, in a
106 reference thereto, subsection (3) of section 1002.37, Florida
107 Statutes, is reenacted to read:

108 1002.37 The Florida Virtual School.—

109 (3) Funding for the Florida Virtual School shall be
110 provided as follows:

111 (a)1. The calculation of "full-time equivalent student"
112 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
113 to s. 1011.61(4).

114 2. For a student in a home education program, funding shall
115 be provided in accordance with this subsection upon course
116 completion if the parent verifies, upon enrollment for each

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117 course, that the student is registered with the school district
 118 as a home education student pursuant to s. 1002.41(1)(a).
 119 (b) Full-time equivalent student credit completed through
 120 the Florida Virtual School, including credits completed during
 121 the summer, shall be reported to the Department of Education in
 122 the manner prescribed by the department and shall be funded
 123 through the Florida Education Finance Program.
 124 (c) School districts may not limit student access to
 125 courses offered through the Florida Virtual School.
 126 (d) Full-time equivalent student credit completion for
 127 courses offered through the Florida Virtual School shall be
 128 reported only by the Florida Virtual School. School districts
 129 shall report full-time equivalent student membership only for
 130 courses for which the district provides the instruction. Courses
 131 delivered by the Florida Virtual School on a public school
 132 campus shall be reported only by the school district in which
 133 the student is enrolled.
 134 (e) The district cost differential as provided in s.
 135 1011.62(2) shall be established as 1.000.
 136 (f) The Florida Virtual School shall receive funds for
 137 operating purposes in an amount determined as follows: multiply
 138 the maximum allowable nonvoted discretionary millage for
 139 operations pursuant to s. 1011.71(1) and (3) by the value of 96
 140 percent of the current year's taxable value for school purposes
 141 for the state; divide the result by the total full-time
 142 equivalent membership of the state; and multiply the result by
 143 the full-time equivalent membership of the school. The amount
 144 thus obtained shall be discretionary operating funds and shall
 145 be appropriated from state funds in the General Appropriations

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146 Act.
 147 (g) The Florida Virtual School shall receive additional
 148 state funds as may be provided in the General Appropriations
 149 Act; however, such funds may not be provided for the purpose of
 150 fulfilling the class size requirements in ss. 1003.03 and
 151 1011.685.
 152 (h) In addition to the funds provided in the General
 153 Appropriations Act, the Florida Virtual School may receive other
 154 funds from grants and donations.
 155 Section 5. For the purpose of incorporating the amendment
 156 made by this act to section 1011.62, Florida Statutes, in a
 157 reference thereto, paragraph (b) of subsection (3) of section
 158 1002.71, Florida Statutes, is reenacted to read:
 159 1002.71 Funding; financial and attendance reporting.-
 160 (3)
 161 (b) Each county's allocation per full-time equivalent
 162 student in the Voluntary Prekindergarten Education Program shall
 163 be calculated annually by multiplying the base student
 164 allocation provided in the General Appropriations Act by the
 165 county's district cost differential provided in s. 1011.62(2).
 166 Each private prekindergarten provider and public school shall be
 167 paid in accordance with the county's allocation per full-time
 168 equivalent student.
 169 Section 6. For the purpose of incorporating the amendment
 170 made by this act to section 1011.62, Florida Statutes, in a
 171 reference thereto, paragraph (a) of subsection (13) of section
 172 1003.52, Florida Statutes, is reenacted to read:
 173 1003.52 Educational services in Department of Juvenile
 174 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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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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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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)

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 33193
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.

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

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Street

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City

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State

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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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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3/26/19

Meeting Date

SB 1284

Bill Number (if applicable)

Topic District Cost Differential

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title President

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Phone 305 995-1102

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City

State

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

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

3/20/19

Meeting Date

1284

Bill Number (if applicable)

Topic DCD

Amendment Barcode (if applicable)

Name John Cena

Job Title Lobbyist - Flagler Schools

Address 206 Santa Mercedes St

Phone 850 222 4428

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Tallahassee

City

FL

State

32301

Zip

Email cena.j@comcast.net

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In-Support [] Against (The Chair will read this information into the record.)

Representing Flagler County Public Schools

Appearing at request of Chair: [] Yes [X] No Lobbyist registered with Legislature: [X] 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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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 DCD

Amendment Barcode (if applicable)

Name John J. Sullivan

Job Title Director of Legislative Affairs

Address 600 SE ~~600~~ 3rd Ave

Phone 754-321-2608

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Fort. Lauderdale, FL 33301

City

State

Zip

Email john.j.sullivan@browardschools.com

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.

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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

SB1284

Bill Number (if applicable)

Topic SB1284 Distinct Cost Differential

Amendment Barcode (if applicable)

Name Iraida Mendez-Cartaya

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Phone

Street

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33132

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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 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

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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.

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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

SB 1284

Bill Number (if applicable)

Topic DCP

Amendment Barcode (if applicable)

Name Tom Cena

Job Title CONSULTANT

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Phone 305 513 9995

Street
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.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 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	Pre-meeting
2.			AED	
3.			AP	

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.¹

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.²

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.³ 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.”⁴

The 2017 National Survey of Student Engagement⁵ 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.⁶

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.⁷ 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

¹ Art. IX, Sec. 7(d), Fla. Const.

² Section 1001.706(3), F.S.

³ Southern Association of Colleges and Schools, *The Principles of Accreditation: Foundations for Quality Enhancement* (Dec. 2017), available at <http://www.sacscoc.org/pdf/2018PrinciplesOfAcreditation.pdf>, at principles 6.1 and 6.4.

⁴ 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.

⁵ 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.

⁶ *Id.*

⁷ Section 1001.706(5)(b), F.S.

plan and must be submitted as part of its legislative budget request.⁸ 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.⁹

The Office of Inspector General

The BOG Office of Inspector General¹⁰ (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.¹¹ OIGC duties include, but are not limited to:¹²

- 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,¹³ adopted by the BOG,¹⁴ and include the following:¹⁵

- 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.

⁸ Section 1001.706(5)(c), F.S.

⁹ Section 1001.706(5)(e), F.S.

¹⁰ 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.

¹¹ *Id.* at 4.

¹² Section 20.055(2)(a) and (b), F.S.

¹³ Section 1001.92(1), F.S.

¹⁴ Section 1001.92(1), F.S.

¹⁵ 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.

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.¹⁶ 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.¹⁷

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.¹⁸

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

¹⁶ BOG Regulation 5.001(3).

¹⁷ Florida Board of Governors, *2019 Agency Analysis for SB 1926* (Mar. 14, 2019), at 3.

¹⁸ 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 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.¹⁹

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.²⁰ A state university that meets 11 of the 12 academic and research excellent standards specified in law²¹ is designated a “preeminent state research university.”²² Currently, the University of Florida, Florida State University, and the University of South Florida are designated as preeminent state research universities.²³

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.”²⁴ Currently, the University of Central Florida is designated as an emerging preeminent state research university.²⁵

¹⁹ Board of Governors, *Performance Based Funding Model—Data and Methodology*, https://www.flbog.edu/board/office/budget/performance_funding.php (last visited Mar. 9, 2019).

²⁰ Section 1001.7065(1), F.S.

²¹ 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.

²² Section 1001.7065(3)(a), F.S.

²³ 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, at 9.

²⁴ Section 1001.7065(3)(b), F.S.

²⁵ 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, at 9.

State University Direct-Support Organizations

A state university direct-support organization (DSO) is:²⁶

- 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.²⁷

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.²⁸

Statewide Articulation Agreement – Reverse Transfer

In fall, 2017, 16,312 FCS students transferred to a state university, but 4,589 transferred without a degree.²⁹

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.³⁰ The agreement

²⁶ 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).

²⁷ Section 1004.28(2)(b), F.S.

²⁸ Section 1004.41(4)(a) and (5)(a), F.S.

²⁹ 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.

³⁰ 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.³¹

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.³²

In 2012, Florida and 15 states joined the Credit When It's Due³³ 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.³⁴

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).³⁵

In 2018,³⁶ 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, 2020.³⁷

³¹ Rule 6A-10.024(1), F.A.C.

³² 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.

³³ 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."

³⁴ 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>.

³⁵ Sections 1004.33 and 1004.34, F.S.

³⁶ Section, ch. 2018-4, L.O.F., codified as s. 1004.335, F.S.

³⁷ 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).³⁸

From 2010 to 2016, the number of state university staff with administrative duties increased at a faster rate than that of students and faculty.³⁹ 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 28:1.⁴⁰

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.

³⁸ Section 1011.90(4), F.S.

³⁹ 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.*

⁴⁰ *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,⁴¹ 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)⁴² 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.⁴³ 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.⁴⁴

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.

⁴¹ The effective date of the bill is July 1, 2019, it is unclear if the first report would be required by September 1, 2019.

⁴² 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.

⁴³ 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.*

⁴⁴ 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.⁴⁵

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.⁴⁶

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.⁴⁷

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:

⁴⁵ 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.

⁴⁶ Florida Board of Governors, *2019 Agency Analysis for SB 1296* (Mar. 14, 2019), at 5.

⁴⁷ 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 regulation⁴⁸ 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.⁴⁹

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

⁴⁸ BOG Regulation 5.001.

⁴⁹ Florida Board of Governors, *2019 Agency Analysis for SB 1926* (Mar. 14, 2019), at 5.

the state university BOT to approve all appointments to any DSO board of directors and executive committee.⁵⁰

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.⁵¹ 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 19-31,⁵² 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.

⁵⁰ Section 1004.28(3), F.S.

⁵¹ 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.

⁵² 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, 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 status⁵³ 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.

⁵³ 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.



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LEGISLATIVE ACTION

Senate

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House

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.—



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12 (j) The Board of Governors shall require each institution
13 to conduct an annual assessment of the intellectual freedom and
14 viewpoint diversity at that institution. The Board of Governors
15 shall select or create an objective, nonpartisan, and
16 statistically valid survey, to be used by each institution, that
17 considers the extent to which competing ideas and perspectives
18 are presented and members of the university community feel free
19 to express their beliefs and viewpoints on campus and in the
20 classroom. The Board of Governors shall annually compile and
21 publish the assessments by September 1 of each year, beginning
22 with September 1, 2020.

23 (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

24 (e) The Board of Governors shall maintain an effective
25 information system to provide accurate, timely, and cost-
26 effective information about each university. The board shall
27 continue to collect and maintain, at a minimum, management
28 information as such information existed on June 30, 2002. The
29 Office of the Inspector General shall annually verify the
30 accuracy of the data used to implement ss. 1001.7065 and
31 1001.92.

32 (i) The Board of Governors shall match individual student
33 information with information in the files of state and federal
34 agencies that maintain educational and employment records. The
35 board must enter into an agreement with the Department of
36 Economic Opportunity that allows access to the individual
37 reemployment assistance wage records maintained by the
38 department. The agreement must protect individual privacy and
39 provide that student information may be used only for the
40 purposes of auditing or evaluating higher education programs



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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70 ~~Governors Annual~~ Accountability Plan Report.

71 (k) Two hundred or more postdoctoral appointees annually,
72 as reported annually in the Board of Governors Accountability
73 Plan ~~TARU annual report~~.

74 (1) An endowment of \$500 million or more, as reported
75 annually in the Board of Governors ~~Annual~~ Accountability Plan
76 Report.

77 (3) The Board of Governors shall use its 2019
78 Accountability Plan for determining a state university's
79 preeminence designation and distributing awards for the 2019-
80 2020 fiscal year appropriation. This subsection shall expire on
81 July 1, 2020.

82 Section 3. Subsection (1) of section 1001.92, Florida
83 Statutes, is amended to read:

84 1001.92 State University System Performance-Based
85 Incentive.—

86 (1) A State University System Performance-Based Incentive
87 shall be awarded to state universities using performance-based
88 metrics adopted by the Board of Governors of the State
89 University System. Beginning with the Board of Governors'
90 determination of each university's performance improvement and
91 achievement ratings ~~for 2018~~, and the related distribution of
92 the annual 2018-2019 fiscal year appropriation, the performance-
93 based metrics must include:

94 (a) 4-year graduation rates;

95 (b) Beginning in fiscal year 2020-2021, 2-year graduation
96 rates for full-time 2+2 associate degree transfer students from
97 Florida College System institutions, with points deducted for
98 decreases in the enrollment of associate in arts degree transfer



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99 students;

100 (c) Retention rates;

101 (d) Postgraduation education rates;

102 (e) Degree production;

103 (f) Affordability;

104 (g) Postgraduation employment and salaries, including wage
105 thresholds that reflect the added value of a baccalaureate
106 degree;

107 (h) Access rate, based on the percentage of undergraduate
108 students enrolled during the fall term who received a Pell Grant
109 during the fall term;

110 (i) Beginning in fiscal year 2020-2021, 6-year graduation
111 rates for students who are eligible for a Pell Grant as compared
112 with students who are not eligible for a Pell Grant, with points
113 deducted for decreases in the enrollment of students who are
114 eligible for a Pell Grant; and

115 (j) Beginning in fiscal year 2020-2021, the percent of
116 students graduating without excess hours.

117
118 The Board of Governors may approve ~~and other metrics approved by~~
119 ~~the board~~ in a publicly formally noticed meeting. The board
120 shall adopt benchmarks to evaluate each state university's
121 performance on the metrics to measure the state university's
122 achievement of institutional excellence or need for improvement
123 and minimum requirements for eligibility to receive performance
124 funding. Benchmarks and metrics may not be adjusted after
125 university performance data has been received by the Board of
126 Governors ~~Access rate benchmarks must be differentiated and~~
127 ~~scored to reflect the varying access rate levels among the state~~



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128 ~~universities; however, the scoring system may not include bonus~~
129 ~~points.~~

130 Section 4. Section 1001.92(1)(h), Florida Statutes, as
131 amended by this act is repealed on June 30, 2020.

132 Section 5. Paragraph (b) of subsection (2) of section
133 1004.28, Florida Statutes, is amended to read:

134 1004.28 Direct-support organizations; use of property;
135 board of directors; activities; audit; facilities.—

136 (2) USE OF PROPERTY.—

137 (b) The board of trustees, in accordance with regulations
138 and guidelines of the Board of Governors, shall prescribe by
139 regulation conditions with which a university direct-support
140 organization must comply in order to use property, facilities,
141 or personal services at any state university, including that
142 personal services must comply with s. 1012.976. Such regulations
143 shall provide for budget and audit review and oversight by the
144 board of trustees, including thresholds for approval of
145 purchases, acquisitions, projects, and issuance of debt.

146 ~~Beginning No later than~~ July 1, 2019, the transfer of a state
147 appropriation by the board of trustees to any direct-support
148 organization and its not-for-profit subsidiaries and affiliates
149 may ~~only~~ include only funds pledged for capital projects.

150 ~~Beginning July 1, 2019, and annually thereafter,~~ Each university
151 board of trustees shall annually report to the Legislature the
152 amount of state appropriations transferred to any direct-support
153 organization and its not-for-profit subsidiaries and affiliates
154 during the previous fiscal year, the purpose for which the funds
155 were transferred, and the remaining balance of any funds
156 transferred.



157 Section 6. Subsections (1), (4), and (5), and paragraph (a)
158 of subsection (6) of section 1004.335, Florida Statutes, are
159 amended to read:

160 1004.335 Accreditation consolidation of University of South
161 Florida branch campuses.—

162 (1) The University of South Florida Consolidation Planning
163 Study and Implementation Task Force is established to develop
164 recommendations to improve service to students by phasing out
165 the separate accreditation of the University of South Florida
166 St. Petersburg branch campus and the University of South Florida
167 Sarasota/Manatee branch campus, which were conferred by the
168 Southern Association of Colleges and Schools Commission on
169 Colleges (SACSCOC) pursuant to ss. 1004.33 and 1004.34,
170 respectively.

171 (4) No later than February 15, 2019, the task force must
172 submit a report to the University of South Florida Board of
173 Trustees which includes, at a minimum, recommendations on the
174 following:

175 (a) Identification of specific degrees in programs of
176 strategic significance, including health care, science,
177 technology, engineering, mathematics, and other program
178 priorities to be offered at the University of South Florida St.
179 Petersburg branch campus and the University of South Florida
180 Sarasota/Manatee branch campus and the timeline for the
181 development and delivery of programs on each campus;

182 (b) Maintaining the unique identity of each campus and an
183 assessment of whether a separate educational mission is
184 beneficial to the future of each campus;

185 (c) Maintaining faculty input from all campuses during the



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186 review and development of general education requirements to
187 reflect the distinctive identity of each campus;

188 (d) Developing the research capacity at each campus;

189 (e) Equitable distribution of programs and resources to
190 establish pathways to admission for all students who require
191 bridge programming and financial aid;

192 (f) Establishing budget transparency and accountability
193 regarding the review and approval of student fees among
194 campuses, including fee differentials and athletic fees, to
195 enable the identification of the equitable distribution of
196 resources to each campus, including the University of South
197 Florida Health; and

198 (g) Developing and delivering integrated academic programs,
199 student and faculty governance, and administrative services to
200 better serve the students, faculty, and staff at the University
201 of South Florida College of Marine Science, the University of
202 South Florida Sarasota/Manatee branch campus, and the University
203 of South Florida St. Petersburg branch campus.

204 (5) No later than March 15, 2019, the Board of Trustees of
205 the University of South Florida, after considering the
206 recommendations of the task force, must adopt and submit to the
207 Board of Governors an implementation plan that:

208 (a) Establishes a timeline for each step that is necessary
209 to terminate the separate accreditation for each campus no later
210 than June 30, 2020, while maintaining branch campus status for
211 both campuses, so that there is no lapse in institutional
212 accreditation for any campus during the phasing-out process.

213 (b) Minimizes disruption to students attending any the
214 University of South Florida or any of its branch campuses ~~campus~~



215 so that the consolidation of SACSCOC accreditation does not
216 impede a student's ability to graduate within 4 years after
217 initial first-time-in-college enrollment.

218 (c) Requires that, on or before July 1, 2020, the entirety
219 of the University of South Florida, including all branch
220 campuses and other component units of the university, operate
221 under a single institutional accreditation from the SACSCOC.

222 (d) Requires that, on each regularly scheduled submission
223 date subsequent to July 1, 2020, the University of South Florida
224 report consolidated data for all of the university's campuses
225 and students to the Integrated Postsecondary Education Data
226 System and to the Board of Governors. The Board of Governors
227 shall use the consolidated data for purposes of determining
228 eligibility for funding pursuant to ss. 1001.7065 and 1001.92.

229 (6) Notwithstanding ss. 1001.7065 and 1001.92 or any Board
230 of Governors regulation to the contrary relating to the
231 calculation of graduation rates and retention rates, a student
232 who meets all of the following criteria may not be counted by
233 the Board of Governors when calculating or confirming the
234 graduation rate or the retention rate of the University of South
235 Florida under those sections:

236 (a) The student was admitted to and initially enrolled
237 before the spring 2020 semester as a first-time-in-college
238 student at the University of South Florida St. Petersburg branch
239 campus or the University of South Florida Sarasota/Manatee
240 branch campus.

241 Section 7. Paragraph (b) of subsection (4) and paragraph
242 (b) of subsection (5) of section 1004.41, Florida Statutes, are
243 amended, paragraph (g) is added to subsection (4), and paragraph



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244 (f) is added to subsection (5) of that section, to read:
245 1004.41 University of Florida; J. Hillis Miller Health
246 Center.—
247 (4)
248 (b) The University of Florida Board of Trustees shall
249 provide in the lease or by separate contract or agreement with
250 Shands Teaching Hospital and Clinics, Inc., for the following:
251 1. Approval of the articles of incorporation of Shands
252 Teaching Hospital and Clinics, Inc., by the University of
253 Florida Board of Trustees.
254 2. Governance of Shands Teaching Hospital and Clinics,
255 Inc., by a board of directors appointed, subject to removal, and
256 chaired by the President of the University of Florida, or his or
257 her designee, and vice chaired by the Vice President for Health
258 Affairs of the University of Florida or his or her designee. The
259 University of Florida Board of Trustees shall approve all
260 appointments to the board and its not-for-profit subsidiaries
261 and affiliates.
262 3. Use of hospital facilities and personnel in support of
263 community service and patient care, research programs, and the
264 teaching roles of the health center.
265 4. Continued recognition of the collective bargaining units
266 and collective bargaining agreements as currently composed and
267 recognition of the certified labor organizations representing
268 those units and agreements.
269 5. Use of hospital facilities and personnel in connection
270 with research programs conducted by the health center.
271 6. Reimbursement to Shands Teaching Hospital and Clinics,
272 Inc., for indigent patients, state-mandated programs,



273 underfunded state programs, and costs to Shands Teaching
274 Hospital and Clinics, Inc., for support of the teaching and
275 research programs of the health center. Such reimbursement shall
276 be appropriated to either the health center or Shands Teaching
277 Hospital and Clinics, Inc., each year by the Legislature after
278 review and approval of the request for funds.

279 7. Audit of the financial statements of Shands Teaching
280 Hospital and Clinics, Inc., in accordance with generally
281 accepted accounting principles as prescribed by the Governmental
282 Accounting Standards Board for a separate corporation affiliated
283 with a government entity that holds a voting majority interest
284 of the affiliated corporation's governing board. The financial
285 statements shall be provided to the University of Florida Board
286 of Trustees for attachment to its audited financial statement
287 which is provided to the Auditor General. The University of
288 Florida may obtain additional financial information from Shands
289 Teaching Hospital and Clinics, Inc., upon request by the Auditor
290 General. This subparagraph applies equally to any not-for-profit
291 subsidiary of Shands Teaching Hospital and Clinics, Inc., which
292 directly delivers health care services and also qualifies as an
293 instrumentality of the state under the governance control and
294 the primary purpose standards specified in this section.

295 (g) Beginning July 1, 2019, the transfer of state
296 appropriations by the University of Florida Board of Trustees to
297 Shands Teaching Hospital and Clinic, Inc., and its not-for-
298 profit subsidiaries and affiliates may only include funds
299 pledged for capital projects, for the delivery of health care
300 services, as matching dollars for intergovernmental services, or
301 for funding graduate medical education.



302 (5)
303 (b) The University of Florida Board of Trustees shall
304 provide in the lease or by separate contract or agreement with
305 Shands Jacksonville Medical Center, Inc., and Shands
306 Jacksonville HealthCare, Inc., for the following:
307 1. Approval of the articles of incorporation of Shands
308 Jacksonville Medical Center, Inc., and of Shands Jacksonville
309 HealthCare, Inc., by the University of Florida Board of
310 Trustees, which may act through the president of the university
311 or his or her designee. In approving the articles of
312 incorporation of Shands Jacksonville Medical Center, Inc., and
313 of Shands Jacksonville HealthCare, Inc., the president of the
314 university, or his or her designee, may act as the chair of the
315 board of directors, or the president of the university or his or
316 her designee or members of the University of Florida Board of
317 Trustees may act as the approving body of Shands Jacksonville
318 Medical Center, Inc., or Shands Jacksonville HealthCare, Inc.
319 2. Governance of Shands Jacksonville Medical Center, Inc.,
320 and of Shands Jacksonville HealthCare, Inc., by boards of
321 directors appointed, subject to removal, and chaired by the
322 President of the University of Florida, or his or her designee.
323 One director of each board may be so appointed after being
324 nominated by the mayor of the City of Jacksonville subject to
325 the applicable standards for directors of such board. If there
326 is a vice chair of the board of directors of Shands Jacksonville
327 Medical Center, Inc., or Shands Jacksonville HealthCare, Inc.,
328 the Vice President for Health Affairs of the University of
329 Florida, or his or her designee or the designee of the president
330 of the university, shall hold that position. The University of



331 Florida Board of Trustees shall approve all appointments to the
332 board and its not-for-profit subsidiaries and affiliates.

333 3. Use of the Shands Jacksonville Medical Center, Inc.,
334 hospital facilities and personnel in support of community
335 service and patient care, research programs, and the teaching
336 roles of the health center of the University of Florida Board of
337 Trustees.

338 4. Reimbursement to Shands Jacksonville Medical Center,
339 Inc., for indigent patients, state-mandated programs,
340 underfunded state programs, and costs to the not-for-profit
341 corporation for support of the teaching and research programs of
342 the health center. Such reimbursement shall be appropriated to
343 either the health center or the not-for-profit corporation each
344 year by the Legislature after review and approval of the request
345 for funds.

346 5. Audit of the financial statements of Shands Jacksonville
347 Medical Center, Inc., and Shands Jacksonville HealthCare, Inc.,
348 in accordance with generally accepted accounting principles as
349 prescribed by the Governmental Accounting Standards Board for a
350 separate corporation affiliated with a government entity that
351 holds a voting majority interest of the affiliated corporation's
352 governing board. The financial statements shall be provided to
353 the University of Florida Board of Trustees for attachment to
354 its audited financial statement which is provided to the Auditor
355 General. The University of Florida may obtain additional
356 financial information from Shands Jacksonville Medical Center,
357 Inc., and Shands Jacksonville HealthCare, Inc., upon request by
358 the Auditor General. This subparagraph applies equally to any
359 not-for-profit subsidiary which directly delivers health care



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360 services and also qualifies as an instrumentality of the state
361 under the governance control and primary purpose standards
362 specified in this section.

363 (f) Beginning July 1, 2019, the transfer of state
364 appropriations by the University of Florida Board of Trustees to
365 Shands Jacksonville Medical Center, Inc., and Shands
366 Jacksonville HealthCare, Inc., and any of their not-for-profit
367 subsidiaries and affiliates may only include funds pledged for
368 capital projects, for the delivery of health care services, as
369 matching dollars for intergovernmental services, or for funding
370 graduate medical education.

371 Section 8. Subsection (7) is added to section 1007.23,
372 Florida Statutes, to read:

373 1007.23 Statewide articulation agreement.—

374 (7) The articulation agreement must specifically provide
375 for a reverse transfer agreement for Florida College System
376 associate in arts degree-seeking students who transfer to a
377 state university before earning an associate in arts degree.
378 Students must be awarded an associate in arts degree by the
379 Florida College System institution upon completion of degree
380 requirements at the state university if the student earned a
381 majority of the credit hours from the Florida College System
382 institution. State universities must identify students who have
383 completed requirements for the associate in arts degree and
384 transfer credits earned at the state university back to the
385 Florida College System institution so that the associate in arts
386 degree may be awarded by the Florida College System institution.

387 Section 9. Upon the expiration and reversion of the
388 amendment made to section 1009.215, Florida Statutes, pursuant



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389 to section 13, chapter 2018-10, Laws of Florida, subsection (3)
390 of section 1009.215, Florida Statutes, is amended to read:

391 1009.215 Student enrollment pilot program for the spring
392 and summer terms.-

393 (3) Students who are enrolled in the pilot program and who
394 are eligible to receive Bright Futures Scholarships under ss.
395 1009.53-1009.536 shall be eligible to receive the scholarship
396 award for attendance during the spring and summer terms. This
397 student cohort shall also be eligible to receive Bright Futures
398 Scholarships for the fall semester term to be used for off-
399 campus or online coursework, if Bright Futures Scholarship
400 funding is provided by the Legislature for three terms for that
401 academic year for other eligible students no more than 2
402 semesters or the equivalent in any fiscal year, including the
403 summer term.

404 Section 10. Subsection (16) of section 1009.24, Florida
405 Statutes, is amended to read:

406 1009.24 State university student fees.-

407 (16) Each university board of trustees may establish a
408 tuition differential for undergraduate courses upon receipt of
409 approval from the Board of Governors. However, beginning July 1,
410 2014, the Board of Governors may only approve the establishment
411 of or an increase in tuition differential for a state research
412 university designated as a preeminent state research university
413 pursuant to s. 1001.7065(4) ~~s. 1001.7065(3)~~. The tuition
414 differential shall promote improvements in the quality of
415 undergraduate education and shall provide financial aid to
416 undergraduate students who exhibit financial need.

417 (a) Seventy percent of the revenues from the tuition



418 differential shall be expended for purposes of undergraduate
419 education. Such expenditures may include, but are not limited
420 to, increasing course offerings, improving graduation rates,
421 increasing the percentage of undergraduate students who are
422 taught by faculty, decreasing student-faculty ratios, providing
423 salary increases for faculty who have a history of excellent
424 teaching in undergraduate courses, improving the efficiency of
425 the delivery of undergraduate education through academic
426 advisement and counseling, and reducing the percentage of
427 students who graduate with excess hours. This expenditure for
428 undergraduate education may not be used to pay the salaries of
429 graduate teaching assistants. Except as otherwise provided in
430 this subsection, the remaining 30 percent of the revenues from
431 the tuition differential, or the equivalent amount of revenue
432 from private sources, shall be expended to provide financial aid
433 to undergraduate students who exhibit financial need, including
434 students who are scholarship recipients under s. 1009.984, to
435 meet the cost of university attendance. This expenditure for
436 need-based financial aid shall not supplant the amount of need-
437 based aid provided to undergraduate students in the preceding
438 fiscal year from financial aid fee revenues, the direct
439 appropriation for financial assistance provided to state
440 universities in the General Appropriations Act, or from private
441 sources. The total amount of tuition differential waived under
442 subparagraph (b)7. may be included in calculating the
443 expenditures for need-based financial aid to undergraduate
444 students required by this subsection. If the entire tuition and
445 fee costs of resident students who have applied for and received
446 Pell Grant funds have been met and the university has excess



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447 funds remaining from the 30 percent of the revenues from the
448 tuition differential required to be used to assist students who
449 exhibit financial need, the university may expend the excess
450 portion in the same manner as required for the other 70 percent
451 of the tuition differential revenues.

452 (b) Each tuition differential is subject to the following
453 conditions:

454 1. The tuition differential may be assessed on one or more
455 undergraduate courses or on all undergraduate courses at a state
456 university.

457 2. The tuition differential may vary by course or courses,
458 by campus or center location, and by institution. Each
459 university board of trustees shall strive to maintain and
460 increase enrollment in degree programs related to math, science,
461 high technology, and other state or regional high-need fields
462 when establishing tuition differentials by course.

463 3. For each state university that is designated as a
464 preeminent state research university by the Board of Governors,
465 pursuant to s. 1001.7065, the aggregate sum of tuition and the
466 tuition differential may be increased by no more than 6 percent
467 of the total charged for the aggregate sum of these fees in the
468 preceding fiscal year. The tuition differential may be increased
469 if the university meets or exceeds performance standard targets
470 for that university established annually by the Board of
471 Governors for the following performance standards, amounting to
472 no more than a 2-percent increase in the tuition differential
473 for each performance standard:

474 a. An increase in the 4-year graduation rate for full-time,
475 first-time-in-college students, as reported annually to the



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476 Integrated Postsecondary Education Data System.

477 b. An increase in the total annual research expenditures.

478 c. An increase in the total patents awarded by the United
479 States Patent and Trademark Office for the most recent years.

480 4. The aggregate sum of undergraduate tuition and fees per
481 credit hour, including the tuition differential, may not exceed
482 the national average of undergraduate tuition and fees at 4-year
483 degree-granting public postsecondary educational institutions.

484 5. Beneficiaries having prepaid tuition contracts pursuant
485 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and
486 which remain in effect, are exempt from the payment of the
487 tuition differential.

488 6. The tuition differential may not be charged to any
489 student who was in attendance at the university before July 1,
490 2007, and who maintains continuous enrollment.

491 7. The tuition differential may be waived by the university
492 for students who meet the eligibility requirements for the
493 Florida public student assistance grant established in s.
494 1009.50.

495 8. Subject to approval by the Board of Governors, the
496 tuition differential authorized pursuant to this subsection may
497 take effect with the 2009 fall term.

498 (c) A university board of trustees may submit a proposal to
499 the Board of Governors to implement a tuition differential for
500 one or more undergraduate courses. At a minimum, the proposal
501 shall:

502 1. Identify the course or courses for which the tuition
503 differential will be assessed.

504 2. Indicate the amount that will be assessed for each



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505 tuition differential proposed.

506 3. Indicate the purpose of the tuition differential.

507 4. Indicate how the revenues from the tuition differential
508 will be used.

509 5. Indicate how the university will monitor the success of
510 the tuition differential in achieving the purpose for which the
511 tuition differential is being assessed.

512 (d) The Board of Governors shall review each proposal and
513 advise the university board of trustees of approval of the
514 proposal, the need for additional information or revision to the
515 proposal, or denial of the proposal. The Board of Governors
516 shall establish a process for any university to revise a
517 proposal or appeal a decision of the board.

518 (e) The Board of Governors shall submit a report to the
519 President of the Senate, the Speaker of the House of
520 Representatives, and the Governor describing the implementation
521 of the provisions of this subsection no later than February 1 of
522 each year. The report shall summarize proposals received by the
523 board during the preceding fiscal year and actions taken by the
524 board in response to such proposals. In addition, the report
525 shall provide the following information for each university that
526 has been approved by the board to assess a tuition differential:

527 1. The course or courses for which the tuition differential
528 was assessed and the amount assessed.

529 2. The total revenues generated by the tuition
530 differential.

531 3. With respect to waivers authorized under subparagraph
532 (b)7., the number of students eligible for a waiver, the number
533 of students receiving a waiver, and the value of waivers



534 provided.

535 4. Detailed expenditures of the revenues generated by the
536 tuition differential.

537 5. Changes in retention rates, graduation rates, the
538 percentage of students graduating with more than 110 percent of
539 the hours required for graduation, pass rates on licensure
540 examinations, the number of undergraduate course offerings, the
541 percentage of undergraduate students who are taught by faculty,
542 student-faculty ratios, and the average salaries of faculty who
543 teach undergraduate courses.

544 (f) No state university shall be required to lower any
545 tuition differential that was approved by the Board of Governors
546 and in effect prior to January 1, 2009, in order to comply with
547 the provisions of this subsection.

548 Section 11. Subsection (4) of section 1011.90, Florida
549 Statutes, is amended to read:

550 1011.90 State university funding.—

551 (4) The Board of Governors shall establish and validate a
552 cost-estimating system consistent with the requirements of
553 subsection (1) and shall report as part of its legislative
554 budget request the actual expenditures for the fiscal year
555 ending the previous June 30. The legislative budget request must
556 also include 5-year trend information on the number of faculty
557 and administrators at each university. The Board of Governors,
558 by regulation, shall define faculty and administrative personnel
559 classifications and shall also report the definitions in the
560 legislative budget request. The growth rate of administrators at
561 any state university may not exceed the growth rate of faculty.
562 Expenditure analysis, operating budgets, and annual financial



563 statements of each university must be prepared using the
564 standard financial reporting procedures and formats prescribed
565 by the Board of Governors. These formats shall be the same as
566 used for the 2000-2001 fiscal year reports. Any revisions to
567 these financial and reporting procedures and formats must be
568 approved by the Executive Office of the Governor and the
569 appropriations committees of the Legislature jointly under the
570 provisions of s. 216.023(3). The Board of Governors shall
571 continue to collect and maintain at a minimum management
572 information existing on June 30, 2002. The expenditure analysis
573 report shall include total expenditures from all sources for the
574 general operation of the university and shall be in such detail
575 as needed to support the legislative budget request.

576 Section 12. This act shall take effect July 1, 2019.

577
578 ===== T I T L E A M E N D M E N T =====

579 And the title is amended as follows:

580 Delete everything before the enacting clause
581 and insert:

582 A bill to be entitled
583 An act relating to the organization and operation of
584 state universities; amending s. 1001.706, F.S.;
585 requiring the Board of Governors to require state
586 universities to conduct an annual assessment related
587 to intellectual freedom and viewpoint diversity at
588 each state university; providing requirements for the
589 Board of Governors relating to such assessment;
590 providing requirements for the Office of Inspector
591 General; requiring the Board of Governors to match



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592 certain student information with specified educational
593 and employment records; requiring the Board of
594 Governors to enter into an agreement with the
595 Department of Economic Opportunity for certain
596 purposes; providing requirements for such agreement;
597 amending s. 1001.7065, F.S.; revising the standards
598 for the preeminent state research universities
599 program; requiring the Board of Governors to use a
600 certain plan for determining preeminence designations
601 and awards for a specified fiscal year; providing for
602 the expiration of a certain requirement; amending s.
603 1001.92, F.S.; revising the state university system
604 performance-based incentives; revising the
605 performance-based metrics to include specific data
606 beginning in a certain fiscal year; authorizing the
607 Board of Governors to approve other metrics;
608 prohibiting the adjustment of such metrics once
609 specified data has been received; providing for the
610 future repeal of s. 1001.92(1)(h), F.S., relating to a
611 specific performance-based metric for the State
612 University System Performance-Based Incentive;
613 amending s. 1004.28, F.S.; providing that state
614 appropriations transferred to specified entities by
615 state university boards of trustees may only be used
616 for specified purposes; revising a specified reporting
617 requirement; amending s. 1004.335, F.S.; clarifying
618 that the University of South Florida St. Petersburg
619 and the University of South Florida Sarasota/Manatee
620 are branch campuses; amending s. 1004.41, F.S.;



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621 requiring the University of Florida Board of Trustees
622 to approve appointments to specified boards of
623 directors and other entities relating to the J. Hillis
624 Miller Health Center; providing that state
625 appropriations transferred to certain entities by the
626 University of Florida Board of Trustees may be used
627 only for specified purposes; amending s. 1007.23,
628 F.S.; requiring the statewide articulation agreement
629 to provide for a reverse transfer agreement; providing
630 for an associate degree to be awarded to certain
631 students by Florida College System institutions;
632 providing requirements for state universities in that
633 process; amending s. 1009.215, F.S.; providing that
634 students enrolled in a specified pilot program who are
635 eligible to receive Bright Futures Scholarships are
636 also eligible for such scholarship funds for
637 designated terms under specified circumstances;
638 amending s. 1009.24, F.S.; conforming a cross-
639 reference; amending s. 1011.90, F.S.; providing
640 requirements for certain legislative budget requests;
641 requiring the Board of Governors to adopt regulations
642 to provide specified definitions; prohibiting
643 administrator growth rate from exceeding faculty
644 growth rate; providing an effective date.

By Senator Diaz

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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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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.

57
 58 Be It Enacted by the Legislature of the State of Florida:

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59 Section 1. Paragraph (e) of subsection (5) of section
60 1001.706, Florida Statutes, is amended, and paragraph (j) is
61 added to subsection (3) and paragraph (i) is added to subsection
62 (5) of that section, to read:

64 1001.706 Powers and duties of the Board of Governors.—

65 (3) POWERS AND DUTIES RELATING TO ORGANIZATION AND
66 OPERATION OF STATE UNIVERSITIES.—

67 (j) The Board of Governors shall report, by September 1 of
68 each year, on the intellectual freedom and viewpoint diversity
69 at each institution through an objective, nonpartisan, and
70 statistically valid survey that enables comparison among
71 institutions over time. Each institution shall conduct an annual
72 survey of students, faculty, and administrators which assesses
73 the extent to which competing ideas, perspectives, and claims of
74 truth are presented and members of the university community feel
75 safe and supported in exploring and articulating their beliefs
76 and viewpoints on campus and in the classroom.

77 (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

78 (e) The Board of Governors shall maintain an effective
79 information system to provide accurate, timely, and cost-
80 effective information about each university. The board shall
81 continue to collect and maintain, at a minimum, management
82 information as such information existed on June 30, 2002. The
83 Office of the Inspector General shall annually verify the
84 accuracy of the data used to implement ss. 1001.7065 and
85 1001.92.

86 (i) The Board of Governors shall match individual student
87 information with information in the files of state and federal

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88 agencies that maintain educational and employment records. The
89 board must enter into an agreement with the Department of
90 Economic Opportunity which allows access to the individual
91 reemployment assistance wage records maintained by the
92 department. The agreement must protect individual privacy and
93 must provide that student information may be used only for the
94 purposes of auditing or evaluating higher education programs
95 offered by state universities.

96 Section 2. Section 1001.92, Florida Statutes, is amended to
97 read:

98 1001.92 State University System Performance-Based
99 Incentive.—

100 (1) A State University System Performance-Based Incentive
101 shall be awarded to state universities using performance-based
102 metrics adopted by the Board of Governors of the State
103 University System. Beginning with the Board of Governors'
104 determination of each university's performance improvement and
105 achievement ratings for 2018, and the related distribution of
106 the 2018-2019 fiscal year appropriation, the performance-based
107 metrics must include:

108 (a) 4-year graduation rates;

109 (b) 2-year graduation rates for full-time 2+2 associate
110 degree transfer students from Florida College System
111 institutions;

112 (c) Retention rates;

113 (d) Postgraduation education rates;

114 (e) Degree production;

115 (f) Affordability;

116 (g) Postgraduation employment and salaries, including wage

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117 thresholds that reflect the added value of a baccalaureate
118 degree;

119 (h) Six-year graduation rates for students who are eligible
120 for a Pell Grant as compared with students who are not eligible
121 for a Pell Grant, with points deducted for decreases in the
122 enrollment of students who are eligible for a Pell Grant access
123 rate, based on the percentage of undergraduate students enrolled
124 during the fall term who received a Pell Grant during the fall
125 term; and

126 (i) The percentage of students graduating without excess
127 hours.

129 The Board of Governors may approve other metrics approved by the
130 board in a formally noticed meeting. The board shall adopt
131 benchmarks to evaluate each state university's performance on
132 the metrics to measure the state university's achievement of
133 institutional excellence or need for improvement and minimum
134 requirements for eligibility to receive performance funding.
135 Benchmarks and metrics may not be adjusted after university
136 performance data has been received by the Board of Governors
137 Access rate benchmarks must be differentiated and scored to
138 reflect the varying access rate levels among the state
139 universities; however, the scoring system may not include bonus
140 points.

141 (2) Each fiscal year, the amount of funds available for
142 allocation to the state universities based on the performance-
143 based funding model shall consist of the state's investment in
144 performance funding plus institutional investments consisting of
145 funds deducted from the base funding of each state university in

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146 the State University System in an amount provided by the
147 Legislature. The Board of Governors shall establish a minimum
148 performance funding eligibility threshold for thresholds for the
149 state's investment and the institutional investments, which must
150 exceed the minimum institutional investment threshold. The board
151 shall use data from the 2018-2019 fiscal year to establish
152 initial scores for each state university. A state university
153 that meets the minimum institutional investment eligibility
154 threshold, but fails to meet the minimum state investment
155 eligibility threshold, shall have its institutional investment
156 restored but is ineligible for a share of the state's investment
157 in performance funding. The institutional investment shall be
158 restored for each institution eligible for the state's
159 investment under the performance-based funding model.

160 (3) (a) A state university that fails to meet the Board of
161 Governors' minimum institutional investment performance funding
162 eligibility threshold shall have its institutional investment
163 withheld by the board and must submit an improvement plan to the
164 board that specifies the activities and strategies for improving
165 the state university's performance. The board must review and
166 approve the improvement plan and, if the plan is approved, must
167 monitor the state university's progress in implementing the
168 activities and strategies specified in the improvement plan. The
169 state university shall submit monitoring reports to the board by
170 December 31 and May 31 of each year in which an improvement plan
171 is in place. The ability of a state university to submit an
172 improvement plan to the board is limited to 1 fiscal year.

173 (b) The Chancellor of the State University System shall
174 withhold disbursement of the institutional investment until the

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175 monitoring report is approved by the Board of Governors. A state
 176 university determined by the board to be making satisfactory
 177 progress on implementing the improvement plan shall receive no
 178 more than one-half of the withheld institutional investment in
 179 January and the balance of the withheld institutional investment
 180 in June. A state university that fails to make satisfactory
 181 progress may not have its full institutional investment
 182 restored. Any institutional investment funds that are not
 183 restored shall be redistributed in accordance with the board's
 184 performance-based metrics.

185 (4) (a) The Board of Governors shall assign each state
 186 university a score on a 100-point scale. Pursuant to subsection
 187 (2), a state university's initial scores must be established
 188 using data from the 2018-2019 fiscal year. The state
 189 universities with the three highest scores are eligible to
 190 receive a proportionate amount of the state's investment. In the
 191 event of a tie for the three highest scores, the tie shall go to
 192 the benefit of the state universities.

193 (b) Each state university with a score that is equal to or
 194 higher than its score for the previous year is eligible for its
 195 proportional amount of the state's investment.

196 (c) Each state university with a score that is lower than
 197 in the immediately previous year, but whose score in that year
 198 was equal to or higher than its score for the prior year, is
 199 eligible for its proportional amount of the state's investment.

200 (d) Each state university with a score that is equal to or
 201 lower than its previous year's score for 2 consecutive years
 202 shall have its proportional amount of the state's investment
 203 withheld and must submit a student success plan to the board for

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204 consideration at its August or September meeting. The board
 205 shall review and approve the student success plan and, if the
 206 student success plan is approved, must monitor the state
 207 university's progress in implementing the plan. The student
 208 success plan must specify the activities and strategies the
 209 state university will use for improving its performance metrics.

210 1. If the board approves the student success plan, the
 211 Chancellor of the State University System must disburse up to
 212 one-half of the state's investment at the time of approval.

213 2. The student success plan monitoring report must be
 214 submitted to the board on a date specified by the Chancellor and
 215 considered at the board's March meeting. The Chancellor shall
 216 withhold the remaining disbursement of the state's investment
 217 until the student success plan monitoring report for the state
 218 university is approved by the board. If it is determined that
 219 the state university is making satisfactory progress on
 220 implementing the plan, the board must approve the monitoring
 221 report and the state university must receive up to the balance
 222 of the state's investment.

223 3. Any state university that fails to make satisfactory
 224 progress may not have its full state investment restored, and
 225 any state investment funds remaining must be distributed to the
 226 top three scoring state universities, including any state
 227 universities that have tied.

228 (e) Beginning with the 2021-2022 fiscal year, any state
 229 university with a score lower than 70 points shall have its
 230 proportional amount of the state's investment withheld and the
 231 state university shall submit a student success plan to the
 232 board for consideration at its August or September meeting. The

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233 board shall review and approve the student success plan and, if
 234 the student success plan is approved, must monitor the state
 235 university's progress in implementing the plan. The student
 236 success plan must specify the activities and strategies that the
 237 state university will use for improving its performance metrics.
 238 A state university whose proportional amount of the state's
 239 investment is withheld pursuant to this paragraph may only have
 240 50 percent of its share of the state investment restored.

241 1. If the board approves the student success plan, the
 242 Chancellor shall disburse up to 25 percent of the state's
 243 investment at the time of approval.

244 2. The student success plan monitoring report must be
 245 submitted to the board on a date specified by the Chancellor and
 246 considered at the board's March meeting. The Chancellor shall
 247 withhold the remaining disbursement of the state's investment
 248 until the student success plan monitoring report for the state
 249 university is approved by the board. If it is determined that
 250 the state university is making satisfactory progress on
 251 implementing the plan, the board must approve the monitoring
 252 report and the state university shall receive up to 25 percent
 253 of its proportional amount of the state's investment.

254 3. Any state university that fails to make satisfactory
 255 progress may not have its 50 percent of the state's investment
 256 restored, and any state investment funds remaining must be
 257 distributed to the top three scoring state universities,
 258 including any state universities that have tied.

259 4. The remaining 50 percent of each state university's
 260 proportional share of the state's investment must be distributed
 261 to the top three scoring state universities, including state

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262 universities that have tied.

263 (5) Distributions of performance funding, as provided in
 264 this section, shall be made by the Legislature to each of the
 265 state universities.

266 (6)~~(5)~~ By October 1 of each year, the Board of Governors
 267 shall submit to the Governor, the President of the Senate, and
 268 the Speaker of the House of Representatives a report on the
 269 previous fiscal year's performance funding allocation which must
 270 reflect the rankings and award distributions.

271 (7)~~(6)~~ The Board of Governors shall adopt regulations to
 272 administer this section.

273 Section 3. Paragraph (b) of subsection (2) of section
 274 1004.28, Florida Statutes, is amended to read:

275 1004.28 Direct-support organizations; use of property;
 276 board of directors; activities; audit; facilities.—

277 (2) USE OF PROPERTY.—

278 (b) The board of trustees, in accordance with regulations
 279 and guidelines of the Board of Governors, shall prescribe by
 280 regulation conditions with which a university direct-support
 281 organization must comply in order to use property, facilities,
 282 or personal services at any state university, including that
 283 personal services must comply with s. 1012.976. Such regulations
 284 shall provide for budget and audit review and oversight by the
 285 board of trustees, including thresholds for approval of
 286 purchases, acquisitions, projects, and issuance of debt.
 287 Beginning ~~No later than~~ July 1, 2019, the transfer of a state
 288 appropriation by the board of trustees to any direct-support
 289 organization and its not-for-profit subsidiaries and affiliates
 290 may ~~only~~ include only funds pledged for capital projects.

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291 ~~Beginning July 1, 2019, and annually thereafter,~~ Each university
 292 board of trustees shall report annually to the Legislature the
 293 amount of state appropriations transferred to any direct-support
 294 organization during the previous fiscal year, the purpose for
 295 which the funds were transferred, and the remaining balance of
 296 any funds transferred.

297 Section 4. Subsections (1), (4), and (5) and paragraph (a)
 298 of subsection (6) of section 1004.335, Florida Statutes, are
 299 amended to read:

300 1004.335 Accreditation consolidation of University of South
 301 Florida branch campuses.—

302 (1) The University of South Florida Consolidation Planning
 303 Study and Implementation Task Force is established to develop
 304 recommendations to improve service to students by phasing out
 305 the separate accreditation of the University of South Florida
 306 St. Petersburg branch campus and the University of South Florida
 307 Sarasota/Manatee branch campus, which were conferred by the
 308 Southern Association of Colleges and Schools Commission on
 309 Colleges (SACSCOC) pursuant to ss. 1004.33 and 1004.34,
 310 respectively.

311 (4) ~~No later than February 15, 2019,~~ The task force must
 312 submit a report to the University of South Florida Board of
 313 Trustees which includes, at a minimum, recommendations on the
 314 following:

315 (a) Identification of specific degrees in programs of
 316 strategic significance, including health care, science,
 317 technology, engineering, mathematics, and other program
 318 priorities to be offered at the University of South Florida St.
 319 Petersburg branch campus and the University of South Florida

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320 Sarasota/Manatee branch campus and the timeline for the
 321 development and delivery of programs on each campus;

322 (b) Maintaining the unique identity of each campus and an
 323 assessment of whether a separate educational mission is
 324 beneficial to the future of each campus;

325 (c) Maintaining faculty input from all campuses during the
 326 review and development of general education requirements to
 327 reflect the distinctive identity of each campus;

328 (d) Developing the research capacity at each campus;

329 (e) Equitable distribution of programs and resources to
 330 establish pathways to admission for all students who require
 331 bridge programming and financial aid;

332 (f) Establishing budget transparency and accountability
 333 regarding the review and approval of student fees among
 334 campuses, including fee differentials and athletic fees, to
 335 enable the identification of the equitable distribution of
 336 resources to each campus, including the University of South
 337 Florida Health; and

338 (g) Developing and delivering integrated academic programs,
 339 student and faculty governance, and administrative services to
 340 better serve the students, faculty, and staff at the University
 341 of South Florida College of Marine Science, the University of
 342 South Florida Sarasota/Manatee branch campus, and the University
 343 of South Florida St. Petersburg branch campus.

344 (5) ~~No later than March 15, 2019,~~ The Board of Trustees of
 345 the University of South Florida, after considering the
 346 recommendations of the task force, must adopt and submit to the
 347 Board of Governors an implementation plan that:

348 (a) Establishes a timeline for each step that is necessary

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349 to terminate the separate accreditation for each campus no later
 350 than June 30, 2020, while maintaining branch campus status for
 351 both campuses, so that there is no lapse in institutional
 352 accreditation for any campus during the phasing-out process.

353 (b) Minimizes disruption to students attending ~~the any~~
 354 University of South Florida or any of its branch campuses ~~campus~~
 355 so that the consolidation of SACSCOC accreditation does not
 356 impede a student's ability to graduate within 4 years after
 357 initial first-time-in-college enrollment.

358 (c) Requires that, on or before July 1, 2020, the entirety
 359 of the University of South Florida, including all branch
 360 campuses and other component units of the university, operate
 361 under a single institutional accreditation from the SACSCOC.

362 (d) Requires that, on each regularly scheduled submission
 363 date subsequent to July 1, 2020, the University of South Florida
 364 report consolidated data for all of the university's campuses
 365 and students to the Integrated Postsecondary Education Data
 366 System and to the Board of Governors. The Board of Governors
 367 shall use the consolidated data for purposes of determining
 368 eligibility for funding pursuant to ss. 1001.7065 and 1001.92.

369 (6) Notwithstanding ss. 1001.7065 and 1001.92 or any Board
 370 of Governors regulation to the contrary relating to the
 371 calculation of graduation rates and retention rates, a student
 372 who meets all of the following criteria may not be counted by
 373 the Board of Governors when calculating or confirming the
 374 graduation rate or the retention rate of the University of South
 375 Florida under those sections:

376 (a) The student was admitted to and initially enrolled
 377 before the spring 2020 semester as a first-time-in-college

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378 student at the University of South Florida St. Petersburg branch
 379 campus or the University of South Florida Sarasota/Manatee
 380 branch campus.

381 Section 5. Paragraph (b) of subsection (4) and paragraph
 382 (b) of subsection (5) of section 1004.41, Florida Statutes, are
 383 amended, and paragraph (g) is added to subsection (4) and
 384 paragraph (f) is added to subsection (5) of that section, to
 385 read:

386 1004.41 University of Florida; J. Hillis Miller Health
 387 Center.—

388 (4)

389 (b) The University of Florida Board of Trustees shall
 390 provide in the lease or by separate contract or agreement with
 391 Shands Teaching Hospital and Clinics, Inc., for the following:

392 1. Approval of the articles of incorporation of Shands
 393 Teaching Hospital and Clinics, Inc., by the University of
 394 Florida Board of Trustees.

395 2. Governance of Shands Teaching Hospital and Clinics,
 396 Inc., by a board of directors appointed, subject to removal, and
 397 chaired by the President of the University of Florida, or his or
 398 her designee, and vice chaired by the Vice President for Health
 399 Affairs of the University of Florida or his or her designee. The
 400 University of Florida Board of Trustees must approve all
 401 appointments to the board, its not-for-profit subsidiaries, and
 402 its affiliates.

403 3. Use of hospital facilities and personnel in support of
 404 community service and patient care, research programs, and the
 405 teaching roles of the health center.

406 4. Continued recognition of the collective bargaining units

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407 and collective bargaining agreements as currently composed and
 408 recognition of the certified labor organizations representing
 409 those units and agreements.

410 5. Use of hospital facilities and personnel in connection
 411 with research programs conducted by the health center.

412 6. Reimbursement to Shands Teaching Hospital and Clinics,
 413 Inc., for indigent patients, state-mandated programs,
 414 underfunded state programs, and costs to Shands Teaching
 415 Hospital and Clinics, Inc., for support of the teaching and
 416 research programs of the health center. Such reimbursement shall
 417 be appropriated to either the health center or Shands Teaching
 418 Hospital and Clinics, Inc., each year by the Legislature after
 419 review and approval of the request for funds.

420 7. Audit of the financial statements of Shands Teaching
 421 Hospital and Clinics, Inc., in accordance with generally
 422 accepted accounting principles as prescribed by the Governmental
 423 Accounting Standards Board for a separate corporation affiliated
 424 with a government entity that holds a voting majority interest
 425 of the affiliated corporation's governing board. The financial
 426 statements shall be provided to the University of Florida Board
 427 of Trustees for attachment to its audited financial statement
 428 which is provided to the Auditor General. The University of
 429 Florida may obtain additional financial information from Shands
 430 Teaching Hospital and Clinics, Inc., upon request by the Auditor
 431 General. This subparagraph applies equally to any not-for-profit
 432 subsidiary of Shands Teaching Hospital and Clinics, Inc., which
 433 directly delivers health care services and also qualifies as an
 434 instrumentality of the state under the governance control and
 435 the primary purpose standards specified in this section.

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436 (g) Beginning July 1, 2019, the transfer of state
 437 appropriations by the University of Florida Board of Trustees to
 438 Shands Teaching Hospital and Clinic, Inc., and its not-for-
 439 profit subsidiaries and affiliates may include only funds
 440 pledged for capital projects.

441 (5)

442 (b) The University of Florida Board of Trustees shall
 443 provide in the lease or by separate contract or agreement with
 444 Shands Jacksonville Medical Center, Inc., and Shands
 445 Jacksonville HealthCare, Inc., for the following:

446 1. Approval of the articles of incorporation of Shands
 447 Jacksonville Medical Center, Inc., and of Shands Jacksonville
 448 HealthCare, Inc., by the University of Florida Board of
 449 Trustees, which may act through the president of the university
 450 or his or her designee. In approving the articles of
 451 incorporation of Shands Jacksonville Medical Center, Inc., and
 452 of Shands Jacksonville HealthCare, Inc., the president of the
 453 university, or his or her designee, may act as the chair of the
 454 board of directors, or the president of the university or his or
 455 her designee or members of the University of Florida Board of
 456 Trustees may act as the approving body of Shands Jacksonville
 457 Medical Center, Inc., or Shands Jacksonville HealthCare, Inc.

458 2. Governance of Shands Jacksonville Medical Center, Inc.,
 459 and of Shands Jacksonville HealthCare, Inc., by boards of
 460 directors appointed, subject to removal, and chaired by the
 461 President of the University of Florida, or his or her designee.
 462 One director of each board may be so appointed after being
 463 nominated by the mayor of the City of Jacksonville subject to
 464 the applicable standards for directors of such board. If there

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465 is a vice chair of the board of directors of Shands Jacksonville
 466 Medical Center, Inc., or Shands Jacksonville HealthCare, Inc.,
 467 the Vice President for Health Affairs of the University of
 468 Florida, or his or her designee or the designee of the president
 469 of the university, shall hold that position. The University of
 470 Florida Board of Trustees must approve all appointments to the
 471 board, its not-for-profit subsidiaries, and its affiliates.

472 3. Use of the Shands Jacksonville Medical Center, Inc.,
 473 hospital facilities and personnel in support of community
 474 service and patient care, research programs, and the teaching
 475 roles of the health center of the University of Florida Board of
 476 Trustees.

477 4. Reimbursement to Shands Jacksonville Medical Center,
 478 Inc., for indigent patients, state-mandated programs,
 479 underfunded state programs, and costs to the not-for-profit
 480 corporation for support of the teaching and research programs of
 481 the health center. Such reimbursement shall be appropriated to
 482 either the health center or the not-for-profit corporation each
 483 year by the Legislature after review and approval of the request
 484 for funds.

485 5. Audit of the financial statements of Shands Jacksonville
 486 Medical Center, Inc., and Shands Jacksonville HealthCare, Inc.,
 487 in accordance with generally accepted accounting principles as
 488 prescribed by the Governmental Accounting Standards Board for a
 489 separate corporation affiliated with a government entity that
 490 holds a voting majority interest of the affiliated corporation's
 491 governing board. The financial statements shall be provided to
 492 the University of Florida Board of Trustees for attachment to
 493 its audited financial statement which is provided to the Auditor

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494 General. The University of Florida may obtain additional
 495 financial information from Shands Jacksonville Medical Center,
 496 Inc., and Shands Jacksonville HealthCare, Inc., upon request by
 497 the Auditor General. This subparagraph applies equally to any
 498 not-for-profit subsidiary which directly delivers health care
 499 services and also qualifies as an instrumentality of the state
 500 under the governance control and primary purpose standards
 501 specified in this section.

502 (f) Beginning July 1, 2019, the transfer of state
 503 appropriations by the University of Florida Board of Trustees to
 504 Shands Jacksonville Medical Center, Inc., Shands Jacksonville
 505 HealthCare, Inc., and any of their not-for-profit subsidiaries
 506 and affiliates may include only funds pledged for capital
 507 projects.

508 Section 6. Subsection (7) is added to section 1007.23,
 509 Florida Statutes, to read:

510 1007.23 Statewide articulation agreement.—

511 (7) The articulation agreement must specifically provide
 512 for a reverse transfer agreement for Florida College System
 513 associate in arts degree-seeking students who transfer to a
 514 state university before earning an associate in arts degree.
 515 Students must be awarded an associate in arts degree by the
 516 Florida College System institution upon completion of degree
 517 requirements at the state university if the student earned a
 518 majority of the credit hours from the Florida College System
 519 institution. State universities shall identify students who have
 520 completed requirements for the associate in arts degree and
 521 transfer credits earned at the state university back to the
 522 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.)

Prepared By: The Professional Staff of the Committee on Education

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	Pre-meeting
2.			AED	
3.			AP	

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.¹ 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.²

¹ Section 1007.27, F.S.

² *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.³ 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.⁴

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 law⁵ and provides a secondary curriculum pursuant to the law.⁶ 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.⁷

Each year, more than 60,000 students participate in Florida's dual enrollment program, and the number is growing.⁸ During the 2017-2018 school year, 72,465 students⁹ participated in dual enrollment at Florida College System (FCS) institutions.¹⁰ 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.¹¹

Dual Enrollment Articulation Agreement

A dual enrollment articulation agreement establishes the guidelines for implementing the program for eligible students.¹² 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.¹³
- 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.¹⁴

³ Section 1007.271(1), F.S.

⁴ *Id.*

⁵ Section 1002.42(2), F.S.

⁶ Section 1007.271(2), F.S.

⁷ 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.*

⁸ 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.

⁹ 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).

¹⁰ Email, Florida Department of Education (March 22, 2019).

¹¹ *Id.*

¹² 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.

¹³ Section 1007.271(21), F.S.

¹⁴ *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.¹⁵

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.¹⁶

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.¹⁷ Such agreements must be submitted to the Florida Department of Education (DOE) by August 1 of each year.¹⁸

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.¹⁹

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.²⁰ 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.²¹ 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.²² 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.²³ 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.²⁴

¹⁵ Section 1007.271(24), F.S.

¹⁶ *Id.*, at (23).

¹⁷ *Id.*, at (13), (21), and (24).

¹⁸ *Id.*, at (13), (21), (23), and (24).

¹⁹ Section 1007.271(21)(n), F.S.

²⁰ *Id.*, at 1.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *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.²⁵ 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.²⁶ 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.²⁷

In 2018, the Legislature appropriated \$550,000 for instructional materials for home education program students participating in dual enrollment.²⁸

Collegiate High School Program

In 2014, the Legislature codified the collegiate high school program and specified related requirements.²⁹ Florida law requires each FCS institution to work with each district school board in its designated service area³⁰ to establish one or more collegiate high school programs.³¹

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.³²

In the fall of 2018, FCS institutions enrolled an estimated 11,179 students in collegiate high school programs.³³ During the 2017-2018 school year:³⁴

- 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.³⁵ If the FCS institution does not establish a program with a district school board in its designated service

²⁵ Section 1007.271(17), F.S.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Section 46, ch. 2018-6, L.O.F.

²⁹ Section 10, ch. 2014-184, L.O.F.

³⁰ Section 1000.21(3), F.S.

³¹ Section 1007.273(1), F.S.

³² *Id.*, at (2).

³³ Email. Florida Department of Education (March 9, 2019).

³⁴ *Id.*

³⁵ Section 1007.273(3), F.S.

area, another FCS institution may execute a contract with that district school board to establish the program.³⁶

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.³⁷

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.³⁸

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.³⁹ 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 FEF.⁴⁰ 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.⁴¹

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

³⁶ Section 1007.273(3), F.S.

³⁷ *Id.*, at (5).

³⁸ *Id.*, at (3).

³⁹ *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).

⁴⁰ Section 1007.273(6), F.S.

⁴¹ *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.⁴²

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.⁴³ 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

⁴² Section 1007.271(21)(n), F.S.

⁴³ *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 courses⁴⁴ or common prerequisite courses⁴⁵ for an associate degree⁴⁶ or a baccalaureate degree⁴⁷ 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 agreements⁴⁸ govern articulation between secondary and postsecondary education to facilitate the seamless articulation of student credit across Florida's educational entities.⁴⁹

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,⁵⁰ 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

⁴⁴ 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.

⁴⁵ 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.

⁴⁶ 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.

⁴⁷ 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.

⁴⁸ 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.

⁴⁹ Section 1007.23(1)(a), F.S.

⁵⁰ 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,⁵¹ 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 list⁵² approved by the state board; the common degree program prerequisite requirements⁵³ published by the Articulation Coordinating Committee;⁵⁴ the industry certification articulation agreements⁵⁵ adopted by the state board in rule; and the

⁵¹ 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.

⁵² 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>.

⁵³ 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).

⁵⁴ 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.

⁵⁵ 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.⁵⁶

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

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.stml> (last visited March 21, 2019).

⁵⁶ 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.⁵⁷ 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.

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

⁵⁷ Section 46, ch. 2018-6, L.O.F.

By Senator Stargel

22-01314-19

20191342__

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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59 postsecondary institution shall complete and submit the private
60 school articulation agreement to the Department of Education.
61 The private school articulation agreement must include, at a
62 minimum:

63 1. A delineation of courses and programs available to the
64 private school student. The postsecondary institution may add,
65 revise, or delete courses and programs at any time.

66 2. The initial and continued eligibility requirements for
67 private school student participation, not to exceed those
68 required of other dual enrollment students.

69 3. The student's responsibilities for providing his or her
70 own instructional materials and transportation.

71 4. A provision clarifying that the private school will
72 award appropriate credit toward high school completion for the
73 postsecondary course under the dual enrollment program.

74 5. A provision expressing that costs associated with
75 tuition and fees, including registration, and laboratory fees,
76 will not be passed along to the student or the student's private
77 school of enrollment.

78 Section 2. Section 1007.273, Florida Statutes, is amended
79 to read:

80 1007.273 Early college acceleration programs Collegiate
81 high school program.-

82 ~~(1)~~ Each Florida College System institution shall work with
83 each district school board in its designated service area to
84 establish one or more early college programs, including, but not
85 limited to, collegiate high school programs. As used in this
86 section, the term "early college program" means a structured
87 high school acceleration program.

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88 ~~(1)(2)~~ PURPOSE.-At a minimum, early college ~~collegiate high~~
89 ~~school~~ programs must include an option for public school
90 students in grades ~~grade~~ 11 and ~~or~~ ~~grade~~ 12 participating in the
91 early college program, for at least 2 ~~4~~ full school years ~~year~~,
92 to earn CAPE industry certifications pursuant to s. 1008.44 and
93 to successfully complete at least 60 ~~30~~ credit hours through the
94 dual enrollment program under s. 1007.271. Private school
95 students and home education students in grades 11 and 12 may
96 enroll in the early college program. The early college program
97 must prioritize dual enrollment courses applicable as general
98 education core courses or common prerequisite courses under s.
99 1007.25 toward the first year of college for an associate degree
100 or a baccalaureate degree over dual enrollment courses
101 applicable as electives while enrolled in the program. A
102 district school board or Florida College System institution may
103 not limit the number of eligible students who may enroll in such
104 early college programs.

105 ~~(2)(3)~~ REQUIRED EARLY COLLEGE PROGRAM CONTRACTS.-Each
106 district school board and its local Florida College System
107 institution shall execute a contract to establish one or more
108 early college ~~collegiate high school~~ programs at a mutually
109 agreed upon location or locations. ~~Beginning with the 2015-2016~~
110 ~~school year,~~ If the local Florida College System institution
111 does not establish an early college ~~a~~ program with a district
112 school board in its designated service area, another Florida
113 College System institution may execute a contract with that
114 district school board to establish the early college program.
115 Beginning with the 2020-2021 school year, the contract must be
116 executed by January 1 of each school year for implementation of

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117 the early college program during the next school year. The
 118 contract must:

119 (a) Identify the grade levels to be included in the early
 120 college ~~collegiate high school~~ program which must, at a minimum,
 121 ~~include grade 12~~.

122 (b) Describe the early college ~~collegiate high school~~
 123 program, including a list of the meta-major academic pathways
 124 approved pursuant to s. 1008.30(4) that are available to
 125 participating students through the partner Florida College
 126 System institution or other eligible partner postsecondary
 127 institution participating pursuant to subsection (4); the
 128 delineation of courses that must, at a minimum, include general
 129 education core courses and common prerequisite courses pursuant
 130 to s. 1007.25; and industry certifications offered, including
 131 online course availability; the high school and college credits
 132 earned for each postsecondary course completed and industry
 133 certification earned; student eligibility criteria; and the
 134 enrollment process and relevant deadlines.

135 (c) Describe the methods, medium, and process by which
 136 students and their parents are annually informed about the
 137 availability of the early college ~~collegiate high school~~
 138 program, the return on investment associated with participation
 139 in the early college program, and the information described in
 140 paragraphs (a) and (b).

141 (d) Identify the delivery methods for instruction and the
 142 instructors for all courses.

143 (e) Identify student advising services and progress
 144 monitoring mechanisms.

145 (f) Establish a program review and reporting mechanism

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146 regarding student performance outcomes.

147 (g) Describe the terms of funding arrangements to implement
 148 the early college ~~collegiate high school~~ program pursuant to
 149 paragraph (5) (a).

150 (3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.—
 151 (a) (4) Each student participating in an early college a
 152 collegiate high school program must enter into a student
 153 performance contract which must be signed by the student, the
 154 parent, and a representative of the school district and the
 155 partnering applicable Florida College System institution, state
 156 university, or other eligible partner postsecondary institution
 157 participating pursuant to subsection (4) (5). The performance
 158 contract must, at a minimum, specify include the schedule of
 159 courses, by semester, and industry certifications to be taken by
 160 the student, if any; student attendance requirements; and
 161 course grade requirements; and the applicability of such courses
 162 to an associate degree or a baccalaureate degree.

163 (b) By September 1, 2020, and annually thereafter, each
 164 district school board must notify each student in grades 9, 10,
 165 11, and 12 in a public school, each home education student in
 166 grades 9, 10, 11, or 12, and each private school with students
 167 in grades 9, 10, 11, and 12 within the school district about the
 168 early college program, including, but not limited to, all of the
 169 following:

170 1. The method for earning college credit through
 171 participation in the early college program. The notification
 172 must include Internet websites to the dual enrollment course
 173 equivalency list approved by the State Board of Education; the
 174 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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233 (a) Beginning September 1, 2020, and annually thereafter,
234 each district school superintendent shall report to the
235 commissioner, at a minimum, the following information on each
236 early college program administered during the previous school
237 year:

238 1. The number of students in public schools, private
239 schools, and home education programs within the school district
240 who enrolled in the early college program and the partnering
241 postsecondary institutions pursuant to subsections (2) and (4).

242 2. The total and average number of dual enrollment courses
243 completed, high school and college credits earned, standard high
244 school diplomas and associate and baccalaureate degrees awarded,
245 and industry certifications attained, if any, by the students
246 who enrolled in the early college program.

247 3. The projected student enrollment in the early college
248 program during the next school year.

249 4. Any barriers to executing contracts to establish one or
250 more early college programs.

251 (b) By November 30, 2020, and annually thereafter, the
252 commissioner must report to the Governor, the President of the
253 Senate, and the Speaker of the House of Representatives the
254 status of early college programs, including, at a minimum, a
255 summary of student enrollment and completion information
256 pursuant to this subsection; barriers, if any, to establishing
257 such programs; and recommendations for expanding access to such
258 programs statewide.

259 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.)

Prepared By: The Professional Staff of the Committee on Education

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	Favorable
2.			AED	
3.			AP	

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.¹ OEL oversees three programs—the school readiness program, the Voluntary Prekindergarten Education Program (VPK), and child care resource and referral services.²

Established in 1999,³ the school readiness program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services

¹ Office of Early Learning, *OEL Summary*, <http://www.floridaearlylearning.com/about-us/early-learning-overview> (last visited Mar. 20, 2019).

² *Id.*

³ Ch. 99-357, s. 1 Laws of Fla.

who are at risk of abuse, neglect, or abandonment; and children with disabilities.⁴ 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 OEL⁵ and the Office of Child Care of the United States Department of Health and Human Services.⁶ Early learning coalitions (ELCs) administer the school readiness program at the county or regional level.⁷ The OEL administers the program at the state level, including statewide coordination of the ELCs.⁸ In 2017-2018, 201,608 children received school readiness services from 7,676 providers.⁹

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.¹⁰ OEL's School Readiness Professional Development Initiative offers the following training modules:¹¹

- 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.¹² 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

⁴ Section 1002.87, F.S.

⁵ 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.

⁶ 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).

⁷ Section 1002.83, F.S.

⁸ Section 1001.213(3), F.S.

⁹ *Id.* at 9.

¹⁰ Section 1002.82(2)(v), F.S.

¹¹ Office of Early Learning, *Professional Development and Training Resources*, <http://www.floridaearlylearning.com/providers/professional-development/professional-development-training-resources> (last visited Mar. 21, 2019).

¹² Office of Early Learning, *Florida Early Care and Education Career Pathway*, available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.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.¹³ According to the T.E.A.C.H. annual report, 3,516 educators participated in more than 60 different training programs.¹⁴

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.¹⁵ 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.¹⁶ All Early Learning Florida courses and trainings provide teachers with Continuing Education Units that articulate to national and state credentials.¹⁷

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.¹⁸

The bill requires OEL to adopt rules to administer the above requirements.

¹³ Office of Early Learning, *Office of Early Learning Annual Report 2017-2018*, at 32 (2018) available at http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2017-2018%20Annual%20Report_ADA.pdf.

¹⁴ *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>.

¹⁵ Early Learning Florida, *Who We Are*, <https://www.earlylearningflorida.com/about> (last visited Mar. 21, 2019).

¹⁶ 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).

¹⁷ *Id.*

¹⁸ 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.

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

By Senator Perry

8-01224B-19

20191456__

1 A bill to be entitled
 2 An act relating to the Office of Early Learning;
 3 amending s. 1002.82, F.S.; requiring certain
 4 preservice and inservice training requirements
 5 established by the Office of Early Learning to include
 6 specified professional development pathways; creating
 7 s. 1002.995, F.S.; requiring the office to develop
 8 certain training and course standards for school
 9 readiness program providers; requiring the office to
 10 identify certain formal and informal career pathways,
 11 stackable credentials, and certifications that meet
 12 specified criteria for such providers; requiring such
 13 credentials and certifications to align with a
 14 specified training when possible; providing for
 15 rulemaking; providing an effective date.
 16
 17 Be It Enacted by the Legislature of the State of Florida:
 18
 19 Section 1. Paragraph (v) of subsection (2) of section
 20 1002.82, Florida Statutes, is amended to read:
 21 1002.82 Office of Early Learning; powers and duties.—
 22 (2) The office shall:
 23 (v) Establish preservice and inservice training
 24 requirements that address, at a minimum, school readiness child
 25 development standards, health and safety requirements, and
 26 social-emotional behavior intervention models, which may include
 27 positive behavior intervention and support models, including the
 28 integration of early learning professional development pathways
 29 established in s. 1002.995.

Page 1 of 2

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

8-01224B-19

20191456__

30 Section 2. Section 1002.995, Florida Statutes, is created
 31 to read:
 32 1002.995 Early learning professional development standards
 33 and career pathways.—
 34 (1) The office shall:
 35 (a) Develop early learning professional development
 36 training and course standards to be utilized for school
 37 readiness program providers.
 38 (b) Identify both formal and informal early learning career
 39 pathways with stackable credentials and certifications that
 40 allow early childhood teachers to access specialized
 41 professional development that:
 42 1. Strengthens knowledge and teaching practices.
 43 2. Aligns to established professional standards and core
 44 competencies.
 45 3. Provides a progression of attainable, competency-based
 46 stackable credentials and certifications.
 47 4. Improves outcomes for children to increase kindergarten
 48 readiness and early grade success.
 49 (2) To the greatest extent possible, the credentials and
 50 certifications established pursuant to this section shall align
 51 with the training for K-12 teachers, reading coaches, and school
 52 principals in s. 1001.215(3).
 53 (3) The office shall adopt rules to administer this
 54 section.
 55 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

(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 Charles Hokanson

Job Title VP 3 Senior Engagement

Address 101 E. Kennedy Blvd. Ste 2050

Phone 813-449-6308

Street

Tampa

FL

33602

City

State

Zip

Email chokanson@helios.org

Speaking: [X] 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 [X] No

Lobbyist registered with Legislature: [] Yes [X] 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

Job Title Consultant

Address 113 E. College Ave

Phone 813-422-8571

Street

Tallahassee

FL State

32301 Zip

Email kaitlyn@rsaconsultingllc.com

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.

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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 GRANER

Job Title PRESIDENT

Address 307 E 7th AVE

Phone 850-488-8276

Street TALLAHASSEE

City FL State 32303 Zip

Email TGRANER@UNSWF.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.

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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

1456

Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Dr. Saralyn Grass

Job Title Executive Director

Address 206 B S. Monroe St.

Phone 904-651-5959

Street

Tallahassee

FL

32301

Email sgrass@aelfl.org

City

State

Zip

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

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

03/26/2019
Meeting Date

SBI456
Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Pam Korithoski

Job Title President

Address 1747 Orlando Central Parkway

Phone (407) 855-7604

Orlando FL 32809
City State Zip

Email alachua.ec@floridapta.org

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.

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 1456

Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title _____

Address 1747 Orlando Central Parkway

Phone 407 855 7604

Street

Orlando FL 32809

Email miami-dade.cc@floridapta.org

City

State

Zip

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)

03/26/19

Meeting Date

1456

Bill Number (if applicable)

Topic Office of Early Learning

Amendment Barcode (if applicable)

Name Amanda Gorski

Job Title Director Public Policy

Address 3250 SW 3rd Ave

Phone 305-646-7024

Street

Miami

FL

33129

Email gorskia@unitedwaymiami.org

City

State

Zip

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.

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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

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.

Phone 954 308 9277

Street

Fort Lauderdale, FL 33316

Email hdavidson@unitedway

City

State

Zip

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.

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

Job Title Strategy Officer

Address Norman Hall

Phone (850) 212-0408

Street

Gainesville FL

Email bbirken@coe.ufl.edu

City

State

Zip

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)

Name Ali Jones

Job Title Association Manager

Address 111 N. Hadsden Street

Phone (850) 921-4494

Street

Tallahassee

FL

32301

City

State

Zip

Email ajones@floridacc.org

Speaking: [] For [] Against [] Information

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

Representing Florida Children's Council

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] 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)

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

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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1462

INTRODUCER: Senator Diaz

SUBJECT: Education

DATE: March 25, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	Favorable
2.			RC	

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.¹ Such reports must be based on information databases maintained by the Department of Education (DOE or department).²

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.³ Performance on these assessments is one of many indicators of a student's preparedness for college-level coursework.⁴ The Postsecondary Education Readiness Test

¹ Section 1008.37(1), F.S.

² *Id.*

³ Florida Department of Education, *Florida's Public High School Graduates*, <https://app2.fldoe.org/publicapps/articulation/perfCPT/default.asp> (March 19, 2019).

⁴ *Id.*

(PERT), SAT, ACCUPLACER and ACT are the assessments used to place students in English and mathematics courses at colleges and universities in Florida.⁵ 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.⁶ Students who did not go to college or who attended private or out-of-state colleges are not included in the reports.⁷

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 education⁸ or for applied academics⁹ for adult education.¹⁰

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.

⁵ Florida Department of Education, *Florida's Public High School Graduates*, <https://app2.fldoe.org/publicapps/articulation/perfCPT/default.asp> (March 19, 2019).

⁶ *Id.*

⁷ *Id.*

⁸ 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).

⁹ 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.

¹⁰ 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.

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

By Senator Diaz

36-01260A-19

20191462__

1 A bill to be entitled
2 An act relating to education; amending s. 1008.37,
3 F.S.; modifying the date on which the Commissioner of
4 Education is required to annually report certain
5 information to the State Board of Education, the Board
6 of Governors, and the Legislature; making a technical
7 change; providing an effective date.
8

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

10 Section 1. Subsection (2) of section 1008.37, Florida
11 Statutes, is amended to read:

12 1008.37 Postsecondary feedback of information to high
13 schools.—

14 (2) The Commissioner of Education shall report, by high
15 school, to the State Board of Education, the Board of Governors,
16 and the Legislature, no later than April 30 ~~November 30~~ of each
17 year, on the number of prior year Florida high school graduates
18 who enrolled for the first time in public postsecondary
19 education in this state during the ~~previous~~ summer, fall, or
20 spring term of the previous academic year, indicating the number
21 of students whose scores on the common placement test indicated
22 the need for developmental education under s. 1008.30 or for
23 applied academics for adult education under s. 1004.91.
24

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: 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	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

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.¹

Under current law, a district school board may sponsor a charter school in the county over which the district school board has jurisdiction.² Additionally, a state university may grant a charter to a developmental research (laboratory) school³ and must be considered to be the school's sponsor.⁴ Such school must be considered a charter lab school.⁵

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.⁶

A sponsor receives and reviews all charter school applications⁷ and, within 90 calendar days of receipt, must by majority vote approve or deny the application.⁸ All charter applicants must prepare and submit an application on a standard application form prepared by the Department of Education, which:⁹

- 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,

¹ Florida Department of Education, *FAQ, What are charter schools?*, <http://www.fl DOE.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 22, 2019).

² Section 1002.33(5)(a)1., F.S.

³ Section 1002.32, F.S.

⁴ Section 1002.33(5)(a)2., F.S.

⁵ *Id.*

⁶ Section 1002.33(3)(a), F.S.

⁷ Section 1002.33(6)(b), F.S.

⁸ *Id.* at 3.a.

⁹ 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.¹⁰

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.¹¹

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.¹²

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.¹³ 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.¹⁴ Any response of the sponsor must be submitted to the state board within 30 calendar days after notification of the appeal.¹⁵

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.¹⁶ 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.¹⁷

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.¹⁸ The state board's decision is a final action subject to judicial review in the district court of appeal.¹⁹

¹⁰ Section 1002.45(1)(d), F.S.

¹¹ Section 1002.33(6)(b), F.S. A sponsor may receive and consider applications after February 1, if it chooses. *Id.*

¹² *Id.*

¹³ Section 1002.33(6)(b)3.c., F.S.

¹⁴ Section 1002.33(6)(c)1, F.S.

¹⁵ *Id.*

¹⁶ 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.

¹⁷ *Id.*

¹⁸ Section 1002.33(6)(c)3.a., F.S.

¹⁹ *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.²⁰

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.²¹

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.²² 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:²³

- Failure to participate in the state’s education accountability system²⁴ 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.²⁵
- 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.²⁶
- Charter school earns two consecutive grades of “F” after all school grade appeals are final, subject to exceptions established in law.²⁷
- Charter school does not comply with the law requiring background screening for employees and members of the governing board of the charter school.²⁸

²⁰ Section 1002.33(6)(e)1., F.S.

²¹ Section 1002.33(6)(e)3., F.S.

²² Section 1002.33(8)(a), F.S.

²³ *Id.*

²⁴ 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.

²⁵ Section 1002.33(7)(e), F.S.

²⁶ Section 1002.33(8)(c), F.S.

²⁷ Section 1002.33(9)(n)2.e.3., F.S.

²⁸ 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;²⁹
- A high-performing charter school system seeking to replicate;³⁰ and
- A hope operator;³¹

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.

²⁹ Section 1002.331, F.S.

³⁰ Section 1002.332, F.S.

³¹ 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.³²

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 law³³ 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 relatives³⁴ of such individuals, or the charter management

³² Chapter 120, F.S.

³³ Section 1002.33(8)(a) and (c), F.S.

³⁴ 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	.	
	.	
	.	
	.	

The Committee on Education (Diaz) recommended the following:

- 1 **Senate Amendment**
- 2
- 3 Delete lines 279 - 284.



786274

LEGISLATIVE ACTION

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

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

12 president, superintendent, principal, charter school governing
13 board members, and the relatives of such applicant, owner,
14 president, superintendent, principal, or governing board member
15 may not submit an application to open a charter school in this
16 state pursuant to subsection (6) for a period of 5 years after
17 the charter is not renewed or is terminated, or the charter
18 school closes pursuant to this paragraph. If a charter school
19 applicant, owner, president, superintendent, principal, or a
20 member of a charter school governing board, a charter management
21 organization, or an education management organization is
22 convicted of a crime, including, but not limited to, fraud or
23 financial offenses related to the operation of a charter school,
24 such applicant, owner, president, superintendent, principal, or
25 governing board member, including any relatives of such
26 individuals, or the charter management organization or the
27 education management organization, may not apply for a charter
28 pursuant to subsection (6) or operate or manage a charter school
29 in this state for a period of 10 years after such conviction.
30 For the purpose of this paragraph, the term "relative" has the
31 same meaning as specified under subparagraph (24)(a)2.

32
33 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

34 And the directory clause is amended as follows:

35 Delete line 76

36 and insert:

37 paragraph (r) is added to subsection (9) of that section,
38 to

39
40 ===== 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

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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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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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59 failure to act on applications; requiring the state
60 board to notify the commissioner of such appeals;
61 requiring the commissioner to review such appeals and
62 make recommendations to the state board; authorizing
63 the commissioner to reject appeal submissions under
64 specified circumstances; conforming provisions to
65 changes made by the act; prohibiting specified
66 individuals and entities from submitting an
67 application to open a charter school for specified
68 periods of time; defining the term "relative" for the
69 purpose of applying the prohibition; providing an
70 effective date.

71
72 Be It Enacted by the Legislature of the State of Florida:

73
74 Section 1. Paragraph (b) of subsection (5) and subsection
75 (6) of section 1002.33, Florida Statutes, are amended, and
76 paragraph (g) is added to subsection (8) of that section, to
77 read:

78 1002.33 Charter schools.—

79 (5) SPONSOR; DUTIES.—

80 (b) *Sponsor duties*.—

81 1.a. The sponsor shall monitor and review the charter
82 school in its progress toward the goals established in the
83 charter.

84 b. The sponsor shall monitor the revenues and expenditures
85 of the charter school and perform the duties provided in s.
86 1002.345.

87 c. The sponsor may approve a charter for a charter school

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88 before the applicant has identified space, equipment, or
89 personnel, if the applicant indicates approval is necessary for
90 it to raise working funds.

91 d. The sponsor shall not apply its policies to a charter
92 school unless mutually agreed to by both the sponsor and the
93 charter school. If the sponsor subsequently amends any agreed-
94 upon sponsor policy, the version of the policy in effect at the
95 time of the execution of the charter, or any subsequent
96 modification thereof, shall remain in effect and the sponsor may
97 not hold the charter school responsible for any provision of a
98 newly revised policy until the revised policy is mutually agreed
99 upon.

100 e. The sponsor shall ensure that the charter is innovative
101 and consistent with the state education goals established by s.
102 1000.03(5).

103 f. The sponsor shall ensure that the charter school
104 participates in the state's education accountability system. If
105 a charter school falls short of performance measures included in
106 the approved charter, the sponsor shall report such shortcomings
107 to the Department of Education.

108 g. The sponsor shall not be liable for civil damages under
109 state law for personal injury, property damage, or death
110 resulting from an act or omission of an officer, employee,
111 agent, or governing body of the charter school.

112 h. The sponsor shall not be liable for civil damages under
113 state law for any employment actions taken by an officer,
114 employee, agent, or governing body of the charter school.

115 i. The sponsor's duties to monitor the charter school shall
116 not constitute the basis for a private cause of action.

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117 j. The sponsor shall not impose additional reporting
118 requirements on a charter school without providing reasonable
119 and specific justification in writing to the charter school.

120 k. The sponsor shall submit an annual report to the
121 Department of Education in a web-based format to be determined
122 by the department.

123 (I) The report shall include the following information for
124 applications reviewed by the sponsor and by the Charter School
125 Commission established under subparagraph (6)(e)1., hereinafter
126 referred to as "the commission":

127 (A) The number of draft applications received on or before
128 May 1 and each applicant's contact information.

129 (B) The number of final applications received on or before
130 August 1 and each applicant's contact information.

131 (C) The date each application was approved, denied, or
132 withdrawn.

133 (D) The date each final contract was executed.

134 (II) Beginning August 31, 2013, and each year thereafter,
135 the sponsor shall submit to the department the information for
136 the applications submitted the previous year.

137 (III) The department shall compile an annual report, by
138 district, and post the report on its website by November 1 of
139 each year.

140 2. Immunity for the sponsor of a charter school under
141 subparagraph 1. applies only with respect to acts or omissions
142 not under the sponsor's direct authority as described in this
143 section.

144 3. This paragraph does not waive a district school board's
145 sovereign immunity.

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146 4. A Florida College System institution may work with the
147 school district or school districts in its designated service
148 area to develop charter schools that offer secondary education.
149 These charter schools must include an option for students to
150 receive an associate degree upon high school graduation. If a
151 Florida College System institution operates an approved teacher
152 preparation program under s. 1004.04 or s. 1004.85, the
153 institution may operate no more than one charter school that
154 serves students in kindergarten through grade 12. In
155 kindergarten through grade 8, the charter school shall implement
156 innovative blended learning instructional models in which, for a
157 given course, a student learns in part through online delivery
158 of content and instruction with some element of student control
159 over time, place, path, or pace and in part at a supervised
160 brick-and-mortar location away from home. A student in a blended
161 learning course must be a full-time student of the charter
162 school and receive the online instruction in a classroom setting
163 at the charter school. District school boards shall cooperate
164 with and assist the Florida College System institution on the
165 charter application. Florida College System institution
166 applications for charter schools are not subject to the time
167 deadlines outlined in subsection (6) and may be approved by the
168 district school board at any time during the year. Florida
169 College System institutions may not report FTE for any students
170 who receive FTE funding through the Florida Education Finance
171 Program.

172 5. A school district may enter into nonexclusive interlocal
173 agreements with federal and state agencies, counties,
174 municipalities, and other governmental entities that operate

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 175 within the geographical borders of the school district to act on
 176 behalf of such governmental entities in the inspection,
 177 issuance, and other necessary activities for all necessary
 178 permits, licenses, and other permissions that a charter school
 179 needs in order for development, construction, or operation. A
 180 charter school may use, but may not be required to use, a school
 181 district for these services. The interlocal agreement must
 182 include, but need not be limited to, the identification of fees
 183 that charter schools will be charged for such services. The fees
 184 must consist of the governmental entity's fees plus a fee for
 185 the school district to recover no more than actual costs for
 186 providing such services. These services and fees are not
 187 included within the services to be provided pursuant to
 188 subsection (20).

189 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 190 applications are subject to the following requirements:

191 (a) A person or entity seeking to open a charter school
 192 shall prepare and submit an application on the standard
 193 application form prepared by the Department of Education which:

194 1. Demonstrates how the school will use the guiding
 195 principles and meet the statutorily defined purpose of a charter
 196 school.

197 2. Provides a detailed curriculum plan that illustrates how
 198 students will be provided services to attain the Sunshine State
 199 Standards.

200 3. Contains goals and objectives for improving student
 201 learning and measuring that improvement. These goals and
 202 objectives must indicate how much academic improvement students
 203 are expected to show each year, how success will be evaluated,

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 204 and the specific results to be attained through instruction.

205 4. Describes the reading curriculum and differentiated
 206 strategies that will be used for students reading at grade level
 207 or higher and a separate curriculum and strategies for students
 208 who are reading below grade level. A sponsor shall deny, or the
 209 commission shall recommend denial of, an application if the
 210 school does not propose a reading curriculum that is consistent
 211 with effective teaching strategies that are grounded in
 212 scientifically based reading research.

213 5. Contains an annual financial plan for each year
 214 requested by the charter for operation of the school for up to 5
 215 years. This plan must contain anticipated fund balances based on
 216 revenue projections, a spending plan based on projected revenues
 217 and expenses, and a description of controls that will safeguard
 218 finances and projected enrollment trends.

219 6. Discloses the name of each applicant, governing board
 220 member, and all proposed education services providers; the name
 221 and sponsor of any charter school operated by each applicant,
 222 each governing board member, and each proposed education
 223 services provider that has closed and the reasons for the
 224 closure; and the academic and financial history of such charter
 225 schools, which the sponsor or the commission, as applicable,
 226 shall consider in making a final determination on deciding
 227 ~~whether to approve or deny~~ the application.

228 7. Contains additional information that the a sponsor or
 229 the commission may require, which must shall be attached as an
 230 addendum to the charter school application described in this
 231 paragraph.

232 8. For the establishment of a virtual charter school,

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233 documents that the applicant has contracted with a provider of
 234 virtual instruction services pursuant to s. 1002.45(1)(d).
 235 (b) An applicant may submit an application to a sponsor or
 236 to the commission pursuant to subparagraph 1. The A sponsor or
 237 the commission, as applicable, shall receive and review all
 238 applications for a charter school using the evaluation
 239 instrument developed by the Department of Education. An
 240 applicant that submits an application to the commission also
 241 shall provide the application to the sponsor within 3 days after
 242 its submission to the commission ~~A sponsor shall receive and~~
 243 ~~consider charter school applications received on or before~~
 244 ~~August 1 of each calendar year for charter schools to be opened~~
 245 ~~at the beginning of the school district's next school year, or~~
 246 ~~to be opened at a time agreed to by the applicant and the~~
 247 ~~sponsor. A sponsor may not refuse to receive a charter school~~
 248 ~~application submitted before August 1 and may receive an~~
 249 ~~application submitted later than August 1 if it chooses.~~
 250 ~~Beginning in 2018 and thereafter,~~ A sponsor or the commission,
 251 as applicable, shall receive and consider charter school
 252 applications received on or before February 1 of each calendar
 253 year for charter schools to be opened 18 months later at the
 254 beginning of the school district's school year, or to be opened
 255 at a time determined by the applicant. A sponsor and the
 256 commission may not refuse to receive a charter school
 257 application submitted before February 1 and may receive an
 258 application submitted later than February 1 if the sponsor or
 259 the commission ~~it~~ chooses. A sponsor and the commission may not
 260 charge an applicant for a charter any fee for the processing or
 261 consideration of an application, and a sponsor and the

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262 commission may not base their ~~its~~ consideration or approval of a
 263 final application upon the promise of future payment of any
 264 kind. Before approving or denying any application, the sponsor
 265 or the commission, as applicable, shall allow the applicant,
 266 upon receipt of written notification, at least 7 calendar days
 267 to make technical or nonsubstantive corrections and
 268 clarifications, including, but not limited to, corrections of
 269 grammatical, typographical, and like errors or missing
 270 signatures, if such errors are identified by the sponsor or the
 271 commission as cause to deny the final application.
 272 1. The commission may receive and consider applications
 273 from:
 274 a. A high-performing charter school pursuant to s.
 275 1002.331.
 276 b. A high-performing charter school system pursuant to s.
 277 1002.332.
 278 c. A hope operator pursuant to s. 1002.333.
 279 d. A business entity or municipality pursuant to subsection
 280 (15).
 281 e. An applicant or group of applicants as specified under
 282 paragraph (3) (a) for the purpose of opening a charter school in
 283 a school district that received three consecutive district
 284 grades lower than a "C," pursuant to s. 1008.34.
 285 ~~2.1.~~ In order to facilitate an accurate budget projection
 286 process, a sponsor shall be held harmless for FTE students who
 287 are not included in the FTE projection due to approval of
 288 charter school applications after the FTE projection deadline.
 289 In a further effort to facilitate an accurate budget projection,
 290 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 Material noncompliance is a failure to follow requirements or a
 341 violation of prohibitions applicable to charter school
 342 applications, which failure is quantitatively or qualitatively
 343 significant either individually or when aggregated with other
 344 noncompliance. An applicant is considered to be replicating a
 345 high-performing charter school if the proposed school is
 346 substantially similar to at least one of the applicant's high-
 347 performing charter schools and the organization or individuals
 348

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349 involved in the establishment and operation of the proposed
 350 school are significantly involved in the operation of replicated
 351 schools.

352 c. If the sponsor denies or the commission recommends
 353 denial of an application submitted by a high-performing charter
 354 school or a high-performing charter school system, the sponsor
 355 or the commission, as applicable, must, within 10 calendar days
 356 after such denial, state in writing the specific reasons, based
 357 upon the criteria in sub-subparagraph b., supporting its denial
 358 of the application and must provide the letter of denial and
 359 supporting documentation to the applicant and to the Department
 360 of Education. The applicant may appeal the sponsor's denial or
 361 the commission's recommendation for denial of the application in
 362 accordance with paragraph (c).

363 5.a. A sponsor may provide input to the commission within
 364 30 days after receiving a copy of the final application
 365 submitted to the commission. The commission must consider such
 366 input in reviewing the application.

367 b. The commission must submit its recommendation for
 368 approval of a charter school application to the State Board of
 369 Education for approval.

370 c. The sponsor may appeal to the state board any
 371 recommendation to approve the application by the commission no
 372 later than 30 days from the commission's decision. Upon receipt
 373 of notification from the state board that a sponsor is filing an
 374 appeal, the commissioner shall review the appeal and make
 375 recommendations to the state board regarding its pending
 376 decision about the appeal. The commissioner shall report his or
 377 her recommendations to the state board at least 7 calendar days

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378 before the date on which the appeal is considered.

379 d. The state board by majority vote shall accept or reject
 380 the recommendation of the commission to approve the application
 381 no later than 90 calendar days after an appeal is filed in
 382 accordance with State Board of Education rule. The sponsor shall
 383 implement the decision of the state board. The decision of the
 384 state board is not subject to chapter 120.

385 ~~6.4-~~ For budget projection purposes, the sponsor or the
 386 commission, as applicable, shall report to the Department of
 387 Education the approval or denial of an application within 10
 388 calendar days after such approval or denial. In the event of
 389 approval by the sponsor or the state board, as applicable, the
 390 report to the Department of Education shall include the final
 391 projected FTE for the approved charter school.

392 ~~7.5-~~ Upon approval of an application, the initial startup
 393 shall commence with the beginning of the public school calendar
 394 for the district in which the charter is granted. A charter
 395 school may defer the opening of the school's operations for up
 396 to 3 years to provide time for adequate facility planning. The
 397 charter school must provide written notice of such intent to the
 398 sponsor and the parents of enrolled students at least 30
 399 calendar days before the first day of school.

400 (c)1. An applicant may appeal any denial of that
 401 applicant's application or failure to act on an application to
 402 the State Board of Education by the sponsor no later than 30
 403 calendar days after receipt of the sponsor's decision or failure
 404 to act and shall notify the sponsor of its appeal. Any response
 405 of the sponsor shall be submitted to the State Board of
 406 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 commissioner 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 commissioner'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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465 have not been renewed, or whose charter contracts have been
466 terminated by their sponsors.

467 2. The ~~Charter School Appeal~~ commission may receive copies
468 of the appeal documents forwarded to the State Board of
469 Education, review the documents, gather other applicable
470 information regarding the appeal, and make a written
471 recommendation to the commissioner. The recommendation must
472 state whether the appeal should be upheld or denied and include
473 the reasons for the recommendation being offered. The
474 commissioner shall forward the recommendation to the State Board
475 of Education no later than 7 calendar days prior to the date on
476 which the appeal is to be heard. The state board must consider
477 the commission's recommendation in making its decision, but is
478 not bound by the recommendation. The decision of the ~~Charter~~
479 ~~School Appeal~~ commission is not subject to the ~~provisions of the~~
480 Administrative Procedure Act, chapter 120.

481 3. The commissioner shall appoint a number of members to
482 the ~~Charter School Appeal~~ commission sufficient to ensure that
483 no potential conflict of interest exists for any commission
484 application review or appeal decision. Members shall serve
485 without compensation but may be reimbursed for travel and per
486 diem expenses in conjunction with their service. Of the members
487 reviewing an application or hearing the appeal, one-half must
488 represent currently operating charter schools and one-half must
489 represent sponsors. The commissioner or a named designee shall
490 chair the ~~Charter School Appeal~~ commission.

491 4. The chair shall convene meetings of the commission and
492 shall ensure that the written recommendations are completed and
493 forwarded in a timely manner. In cases in which ~~where~~ the

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494 commission cannot reach a decision, the chair shall make the
495 written recommendation with justification, noting that the
496 decision was rendered by the chair.

497 5. Commission members shall thoroughly review the materials
498 presented to them from the applicant ~~appellant~~ and the sponsor.
499 The commission may request information to clarify the
500 documentation presented to it. In the course of its review, the
501 commission may facilitate the postponement of an appeal in those
502 cases where additional time and communication may negate the
503 need for a formal appeal and both parties agree, in writing, to
504 postpone the appeal to the State Board of Education. A new date
505 certain for the appeal shall then be set based upon the rules
506 and procedures of the State Board of Education. Commission
507 members shall provide a written recommendation to the state
508 board as to whether the appeal should be upheld or denied. A
509 fact-based justification for the recommendation must be
510 included. The chair must ensure that the written recommendation
511 is submitted to the State Board of Education members no later
512 than 7 calendar days prior to the date on which the appeal is to
513 be heard. Both parties in the case shall also be provided a copy
514 of the recommendation.

515 (f)1. The Department of Education shall provide or arrange
516 for training and technical assistance to charter schools in
517 developing and adjusting business plans and accounting for costs
518 and income. Training and technical assistance shall also
519 address, at a minimum, state and federal grant and student
520 performance accountability reporting requirements and provide
521 assistance in identifying and applying for the types and amounts
522 of state and federal financial assistance the charter school may

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523 be eligible to receive. The department may provide other
524 technical assistance to an applicant upon written request.

525 2. A charter school applicant must participate in the
526 training provided by the Department of Education after approval
527 of an application but at least 30 calendar days before the first
528 day of classes at the charter school. However, a sponsor may
529 require the charter school applicant to attend training provided
530 by the sponsor in lieu of the department's training if the
531 sponsor's training standards meet or exceed the standards
532 developed by the department. In such case, the sponsor may not
533 require the charter school applicant to attend the training
534 within 30 calendar days before the first day of classes at the
535 charter school. The training must include instruction in
536 accurate financial planning and good business practices. If the
537 applicant is a management company or a nonprofit organization,
538 the charter school principal and the chief financial officer or
539 his or her equivalent must also participate in the training. A
540 sponsor may not require a high-performing charter school or
541 high-performing charter school system applicant to participate
542 in the training described in this subparagraph more than once.

543 (g) In considering charter applications for a lab school, a
544 state university shall consult with the district school board of
545 the county in which the lab school is located. The decision of a
546 state university may be appealed pursuant to the procedure
547 established in this subsection.

548 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

549 (g) If a charter is terminated or a charter school closes
550 before the end of a school year or within 3 years after
551 beginning operations, the applicant for the charter, the charter

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552 school owner, the charter school president, the charter school
553 governing board members, and the relatives of such owner,
554 president, or governing board member may not submit an
555 application to open a charter school in this state pursuant to
556 subsection (6) for a period of 5 years after the termination of
557 the charter or closure of the charter school. If a charter
558 school owner, a charter school president, a member of a charter
559 school governing board, a charter management organization, or an
560 education management organization is convicted of a crime,
561 including, but not limited to, fraud or financial offenses
562 related to the operation of a charter school, that owner,
563 president, or governing board member, including any relatives of
564 such individuals, or the charter management organization or the
565 education management organization, may not submit an application
566 to open a charter school in this state pursuant to subsection
567 (6) for a period of 10 years after such conviction. For the
568 purpose of this paragraph, the term "relative" has the same
569 meaning as specified under subparagraph (24)(a)2.

570 Section 2. 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)

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

Phone 407 855 7604

Street
Orlando FL 32809
City State Zip

Email miami-dade.cc@a
fordapta.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.

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

Address 325 W Gains St.

Phone 850-621-2556

Street

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
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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

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

March 26, 2019
Meeting Date

1470
Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title Director of Advocacy

Address 1103 Hays Street
Street

Phone (850) 462-5155

Tallahassee FL 32301
City State Zip

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.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1472

INTRODUCER: Senator Diaz

SUBJECT: Education

DATE: March 25, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	Favorable
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.¹ Since 1965, the following legislation substantially amended the ESEA:

- Bilingual Education Act of 1968.²
- Equal Educational Opportunities Act of 1974.³
- Improving America's Schools Act of 1994.⁴
- No Child Left Behind Act of 2001 (NCLB).⁵
- Every Student Succeeds Act of 2015 (ESSA).⁶

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.

¹ Pub. L. No. 89-10, 79 Stat. 27 (Apr. 11, 1965).

² Pub. L. 90-247, 81 Stat. 783 (Jan. 2, 1968).

³ Pub. L. 93-380, 88 Stat 484 (Aug. 21, 1974).

⁴ Pub. L. 103-382, 108 Stat 3518 (Oct. 20, 1994).

⁵ Pub. L. 107-110, 115 Stat 1425 (Jan. 8, 2002).

⁶ 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.⁷

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.

⁷ 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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1 A bill to be entitled
 2 An act relating to education; amending ss. 1001.42,
 3 1002.451, 1003.4282, 1004.04, and 1004.85, F.S.;
 4 correcting references relating to the federal
 5 Elementary and Secondary Education Act (ESEA), as
 6 amended by the Every Student Succeeds Act of 2015
 7 (ESSA); amending s. 1008.31, F.S.; requiring the K-20
 8 education performance accountability system to comply
 9 with the ESEA, as amended by the ESSA, instead of the
 10 "No Child Left Behind Act of 2001"; amending s.
 11 1008.33, F.S.; correcting a reference relating to the
 12 ESEA, as amended by the ESSA; deleting a requirement
 13 for the State Board of Education to comply with the
 14 ESEA flexibility waiver; conforming provisions to
 15 changes made by the act; amending s. 1008.332, F.S.;
 16 requiring the Department of Education to establish a
 17 certain committee pursuant to the requirements of the
 18 ESEA, as amended by the ESSA, instead of the "No Child
 19 Left Behind Act of 2001"; amending ss. 1008.34,
 20 1011.62, and 1012.56, F.S.; correcting references
 21 relating to the ESEA, as amended by the ESSA;
 22 providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Paragraph (a) of subsection (18) of section
 27 1001.42, Florida Statutes, is amended to read:
 28 1001.42 Powers and duties of district school board.—The
 29 district school board, acting as a board, shall exercise all

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30 powers and perform all duties listed below:

31 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 32 Maintain a system of school improvement and education
 33 accountability as provided by statute and State Board of
 34 Education rule. This system of school improvement and education
 35 accountability shall be consistent with, and implemented
 36 through, the district's continuing system of planning and
 37 budgeting required by this section and ss. 1008.385, 1010.01,
 38 and 1011.01. This system of school improvement and education
 39 accountability shall comply with the provisions of ss. 1008.33,
 40 1008.34, 1008.345, and 1008.385 and include the following:

41 (a) *School improvement plans.*—The district school board
 42 shall annually approve and require implementation of a new,
 43 amended, or continuation school improvement plan for each school
 44 in the district which has a school grade of "D" or "F"; has a
 45 significant gap in achievement on statewide, standardized
 46 assessments administered pursuant to s. 1008.22 by one or more
 47 student subgroups, as defined in the federal Elementary and
 48 Secondary Education Act (ESEA), as amended by the Every Student
 49 Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c) (2) ~~20 U.S.C.~~
 50 ~~s. 6311(b) (2) (C) (v) (II)~~; has not significantly increased the
 51 percentage of students passing statewide, standardized
 52 assessments; has not significantly increased the percentage of
 53 students demonstrating Learning Gains, as defined in s. 1008.34
 54 and as calculated under s. 1008.34(3) (b), who passed statewide,
 55 standardized assessments; or has significantly lower graduation
 56 rates for a subgroup when compared to the state's graduation
 57 rate. The improvement plan of a school that meets the
 58 requirements of this paragraph shall include strategies for

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59 improving these results. The state board shall adopt rules
60 establishing thresholds and for determining compliance with this
61 paragraph.

62 Section 2. Paragraph (b) of subsection (6) of section
63 1002.451, Florida Statutes, is amended to read:

64 1002.451 District innovation school of technology program.—

65 (6) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

66 (b) A district school board may operate one innovation
67 school of technology upon an application being approved by the
68 State Board of Education.

69 1. A district school board may apply to the State Board of
70 Education to establish additional schools of technology if each
71 existing innovation school of technology in the district:

72 a. Meets all requirements in this section and in the
73 performance contract;

74 b. Has a grade of "A" or "B"; and

75 c. Has at least 50 percent of its students exceed the state
76 average on the statewide assessment program pursuant to s.

77 1008.22. This comparison may take student subgroups, as defined
78 in the federal Elementary and Secondary Education Act (ESEA), as
79 amended by the Every Student Succeeds Act of 2015 (ESSA), 20

80 U.S.C. s. 6311(c)(2) ~~20 U.S.C. s. 6311(b)(2)(C)(v)(II)~~, into
81 specific consideration so that at least 50 percent of students
82 in each student subgroup meet or exceed the statewide average
83 performance, rounded to the nearest whole number, of that
84 particular subgroup.

85 2. Notwithstanding subparagraph 1., the number of schools
86 of technology in a school district may not exceed:

87 a. Seven in a school district that has 100,000 or more

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88 students.

89 b. Five in a school district that has 50,000 to 99,999
90 students.

91 c. Three in a school district that has fewer than 50,000
92 students.

93 Section 3. Subsection (7) of section 1003.4282, Florida
94 Statutes, is amended to read:

95 1003.4282 Requirements for a standard high school diploma.—

96 (7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with
97 the 2012-2013 school year, if a student transfers to a Florida
98 public high school from out of country, out of state, a private
99 school, or a home education program and the student's transcript
100 shows a credit in Algebra I, the student must pass the

101 statewide, standardized Algebra I EOC assessment in order to
102 earn a standard high school diploma unless the student earned a
103 comparative score, passed a statewide assessment in Algebra I
104 administered by the transferring entity, or passed the statewide
105 mathematics assessment the transferring entity uses to satisfy
106 the requirements of the Elementary and Secondary Education Act,
107 as amended by the Every Student Succeeds Act of 2015 (ESSA), 20

108 U.S.C. ss. 6301 et seq 20 U.S.C. s. 6301. If a student's
109 transcript shows a credit in high school reading or English
110 Language Arts II or III, in order to earn a standard high school
111 diploma, the student must take and pass the statewide,
112 standardized grade 10 Reading assessment or, when implemented,
113 the grade 10 ELA assessment, or earn a concordant score. If a
114 transfer student's transcript shows a final course grade and
115 course credit in Algebra I, Geometry, Biology I, or United
116 States History, the transferring course final grade and credit

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117 shall be honored without the student taking the requisite
118 statewide, standardized EOC assessment and without the
119 assessment results constituting 30 percent of the student's
120 final course grade.

121 Section 4. Paragraph (a) of subsection (4) of section
122 1004.04, Florida Statutes, is amended to read:

123 1004.04 Public accountability and state approval for
124 teacher preparation programs.—

125 (4) CONTINUED PROGRAM APPROVAL.—Continued approval of a
126 teacher preparation program shall be based upon evidence that
127 the program continues to implement the requirements for initial
128 approval and upon significant, objective, and quantifiable
129 measures of the program and the performance of the program
130 completers.

131 (a) The criteria for continued approval must include each
132 of the following:

133 1. Documentation from the program that each program
134 candidate met the admission requirements provided in subsection
135 (3).

136 2. Documentation from the program that the program and each
137 program completer have met the requirements provided in
138 subsection (2).

139 3. Evidence of performance in each of the following areas:

140 a. Placement rate of program completers into instructional
141 positions in Florida public schools and private schools, if
142 available.

143 b. Rate of retention for employed program completers in
144 instructional positions in Florida public schools.

145 c. Performance of students in prekindergarten through grade

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146 12 who are assigned to in-field program completers on statewide
147 assessments using the results of the student learning growth
148 formula adopted under s. 1012.34.

149 d. Performance of students in prekindergarten through grade
150 12 who are assigned to in-field program completers aggregated by
151 student subgroup, as defined in the federal Elementary and
152 Secondary Education Act (ESEA), as amended by the Every Student
153 Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) ~~20 U.S.C.~~
154 ~~s. 6311(b)(2)(C)(v)(II)~~, as a measure of how well the program
155 prepares teachers to work with a diverse population of students
156 in a variety of settings in Florida public schools.

157 e. Results of program completers' annual evaluations in
158 accordance with the timeline as set forth in s. 1012.34.

159 f. Production of program completers in statewide critical
160 teacher shortage areas as identified in s. 1012.07.

161 Section 5. Paragraph (b) of subsection (4) of section
162 1004.85, Florida Statutes, is amended to read:

163 1004.85 Postsecondary educator preparation institutes.—

164 (4) Continued approval of each program approved pursuant to
165 this section shall be determined by the Commissioner of
166 Education based upon a periodic review of the following areas:

167 (b) Evidence of performance in each of the following areas:

168 1. Placement rate of program completers into instructional
169 positions in Florida public schools and private schools, if
170 available.

171 2. Rate of retention for employed program completers in
172 instructional positions in Florida public schools.

173 3. Performance of students in prekindergarten through grade
174 12 who are assigned to in-field program completers on statewide

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175 assessments using the results of the student learning growth
176 formula adopted under s. 1012.34.

177 4. Performance of students in prekindergarten through grade
178 12 who are assigned to in-field program completers aggregated by
179 student subgroups, as defined in the federal Elementary and
180 Secondary Education Act (ESEA), as amended by the Every Student
181 Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) ~~20 U.S.C.~~
182 ~~s. 6311(b)(2)(C)(v)(II)~~, as a measure of how well the program
183 prepares teachers to work with a diverse population of students
184 in a variety of settings in Florida public schools.

185 5. Results of program completers' annual evaluations in
186 accordance with the timeline as set forth in s. 1012.34.

187 6. Production of program completers in statewide critical
188 teacher shortage areas as identified in s. 1012.07.

189 Section 6. Paragraph (c) of subsection (1) of section
190 1008.31, Florida Statutes, is amended to read:

191 1008.31 Florida's K-20 education performance accountability
192 system; legislative intent; mission, goals, and systemwide
193 measures; data quality improvements.-

194 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
195 that:

196 (c) The K-20 education performance accountability system
197 comply with the requirements of the Elementary and Secondary
198 Education Act (ESEA), as amended by the Every Student Succeeds
199 Act of 2015 (ESSA), 20 U.S.C. ss. 6301 et seq. "No Child Left
200 Behind Act of 2001," Pub. L. No. 107-110, and the Individuals
201 with Disabilities Education Act (IDEA).

202 Section 7. Subsection (1) and paragraph (a) of subsection
203 (3) of section 1008.33, Florida Statutes, are amended to read:

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

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204 1008.33 Authority to enforce public school improvement.-

205 (1) The State Board of Education shall comply with the
206 federal Elementary and Secondary Education Act (ESEA), as
207 amended by the Every Student Succeeds Act of 2015 (ESSA), 20
208 U.S.C. ss. 6301 et seq., and 20 U.S.C. ss. 6301 et seq., its
209 implementing regulations, ~~and the ESEA flexibility waiver~~
210 ~~approved for Florida by the United States Secretary of~~
211 ~~Education~~. The state board may adopt rules to maintain
212 compliance with the ESEA ~~and the ESEA flexibility waiver~~.

213 (3) (a) The academic performance of all students has a
214 significant effect on the state school system. Pursuant to Art.
215 IX of the State Constitution, which prescribes the duty of the
216 State Board of Education to supervise Florida's public school
217 system, the state board shall equitably enforce the
218 accountability requirements of the state school system and may
219 impose state requirements on school districts in order to
220 improve the academic performance of all districts, schools, and
221 students based upon the provisions of the Florida K-20 Education
222 Code, chapters 1000-1013 ~~and~~, the federal ESEA and its
223 implementing regulations, ~~and the ESEA flexibility waiver~~
224 ~~approved for Florida by the United States Secretary of~~
225 ~~Education~~.

226 Section 8. Section 1008.332, Florida Statutes, is amended
227 to read:

228 1008.332 Committee of practitioners pursuant to federal law
229 ~~No Child Left Behind Act~~.-The Department of Education shall
230 establish a committee of practitioners pursuant to federal
231 requirements of the Elementary and Secondary Education Act, as
232 amended by the Every Student Succeeds Act of 2015, 20 U.S.C. ss.

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

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 233 ~~6301 et seq No Child Left Behind Act of 2001~~. The committee
 234 members shall be appointed by the Commissioner of Education and
 235 shall annually report to the Governor, the President of the
 236 Senate, and the Speaker of the House of Representatives by
 237 January 1. The committee shall meet regularly and is authorized
 238 to review potential rules and policies that will be considered
 239 by the State Board of Education.

240 Section 9. Subsection (4) of section 1008.34, Florida
 241 Statutes, is amended to read:

242 1008.34 School grading system; school report cards;
 243 district grade.—

244 (4) SCHOOL REPORT CARD.—The Department of Education shall
 245 annually develop, in collaboration with the school districts, a
 246 school report card to be provided by the school district to
 247 parents within the district. The report card shall include the
 248 school's grade; student performance in English Language Arts,
 249 mathematics, science, and social studies; information regarding
 250 school improvement; an explanation of school performance as
 251 evaluated by the federal Elementary and Secondary Education Act
 252 (ESEA), as amended by the Every Student Succeeds Act of 2015
 253 (ESSA), 20 U.S.C. ss. 6301 et seq.; and indicators of return on
 254 investment. Each school's report card shall be published
 255 annually by the department on its website based upon the most
 256 recent data available.

257 Section 10. Subsection (13) of section 1011.62, Florida
 258 Statutes, is amended to read:

259 1011.62 Funds for operation of schools.—If the annual
 260 allocation from the Florida Education Finance Program to each
 261 district for operation of schools is not determined in the

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 262 annual appropriations act or the substantive bill implementing
 263 the annual appropriations act, it shall be determined as
 264 follows:

265 (13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally
 266 connected student supplement is created to provide supplemental
 267 funding for school districts to support the education of
 268 students connected with federally owned military installations,
 269 National Aeronautics and Space Administration (NASA) real
 270 property, and Indian lands. To be eligible for this supplement,
 271 the district must be eligible for federal Impact Aid Program
 272 funds under s. 7003 of Title VII s. 8003 of Title VIII of the
 273 Elementary and Secondary Education Act, as amended by the Every
 274 Student Succeeds Act of 2015, 20 U.S.C. ss. 6301 et seq of 1965.
 275 The supplement shall be allocated annually to each eligible
 276 school district in the General Appropriations Act. The
 277 supplement shall be the sum of the student allocation and an
 278 exempt property allocation.

279 (a) The student allocation shall be calculated based on the
 280 number of students reported for federal Impact Aid Program
 281 funds, including students with disabilities, who meet one of the
 282 following criteria:

283 1. The student has a parent who is on active duty in the
 284 uniformed services or is an accredited foreign government
 285 official and military officer. Students with disabilities shall
 286 also be reported separately for this category.

287 2. The student resides on eligible federally owned Indian
 288 land. Students with disabilities shall also be reported
 289 separately for this category.

290 3. The student resides with a civilian parent who lives or

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291 works on eligible federal property connected with a military
 292 installation or NASA. The number of these students shall be
 293 multiplied by a factor of 0.5.

294 (b) The total number of federally connected students
 295 calculated under paragraph (a) shall be multiplied by a
 296 percentage of the base student allocation as provided in the
 297 General Appropriations Act. The total of the number of students
 298 with disabilities as reported separately under subparagraphs
 299 (a)1. and 2. shall be multiplied by an additional percentage of
 300 the base student allocation as provided in the General
 301 Appropriations Act. The base amount and the amount for students
 302 with disabilities shall be summed to provide the student
 303 allocation.

304 (c) The exempt property allocation shall be equal to the
 305 tax-exempt value of federal impact aid lands reserved as
 306 military installations, real property owned by NASA, or eligible
 307 federally owned Indian lands located in the district, multiplied
 308 by the millage authorized and levied under s. 1011.71(2).

309 (d) The amount allocated for each eligible school district
 310 shall be recalculated during the year using actual student
 311 membership, as amended, from the most recent February survey and
 312 the tax-exempt valuation from the most recent assessment roll.
 313 Upon recalculation, if the total allocation is greater than the
 314 amount provided in the General Appropriations Act, it must be
 315 prorated to the level of the appropriation based on each
 316 district's share of the total recalculated amount.

317 Section 11. Paragraph (d) of subsection (8) of section
 318 1012.56, Florida Statutes, is amended to read:
 319 1012.56 Educator certification requirements.-

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320 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
 321 COMPETENCY PROGRAM.-

322 (d) The Commissioner of Education shall determine the
 323 continued approval of programs implemented under paragraph (a)
 324 based upon the department's periodic review of the following:

325 1. Evidence that the requirements in paragraph (a) are
 326 consistently met; and

327 2. Evidence of performance in each of the following areas:

328 a. Rate of retention for employed program completers in
 329 instructional positions in Florida public schools.

330 b. Performance of students in prekindergarten through grade
 331 12 who are assigned to in-field program completers on statewide
 332 assessments using the results of the student learning growth
 333 formula adopted under s. 1012.34.

334 c. Performance of students in prekindergarten through grade
 335 12 who are assigned to in-field program completers aggregated by
 336 student subgroups, as defined in the federal Elementary and
 337 Secondary Education Act (ESEA), as amended by the Every Student
 338 Succeeds Act of 2015 (ESSA), 20 U.S.C. s. 6311(c)(2) ~~20 U.S.C.~~
 339 ~~s. 6311(b)(2)(C)(v)(II)~~, as a measure of how well the program
 340 prepares teachers to work with a variety of students in Florida
 341 public schools.

342 d. Results of program completers' annual evaluations in
 343 accordance with the timeline as set forth in s. 1012.34.

344 e. Production of program completers in statewide critical
 345 teacher shortage areas as defined in s. 1012.07.

346 Section 12. This act shall take effect July 1, 2019.

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 Iraida 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 Janasiewicz 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