SB 154 by **Detert (CO-INTRODUCERS) Clemens**; (Compare to H 0801) Certified School Counselors

870036	PCS	S		RCS	ED		04/01 06:45 PM
236054	A	S		WD	ED, Simmons	Delete L.29 - 50:	04/01 11:50 AM

SB 158 by **Hays**; (Identical to H 0075) Highway Safety

SB 226 by **Ring**; (Identical to H 0129) Disability Awareness

847706	A	S		WD	ED, Legg	Delete L.61 - 97.	04/01 06:46 PM
109392	A	S	L	RCS	ED, Montford	Delete L.35 - 37:	04/01 06:46 PM
578376	A	S	L	RCS	ED, Montford	Delete L.61 - 97:	04/01 06:46 PM

SB 862 by **Stargel**; (Similar to CS/CS/1ST ENG/H 0867) Parent Empowerment in Education

950370	D	S		WD	ED, Stargel	Delete everything after	04/01 06:46 PM

SB 1280 by **Sachs**; (Identical to H 0099) Tax Dealer Collection Allowances

SB 1282 by **Stargel**; (Compare to H 1267) Charter Schools

502972	PCS	S		RCS	ED		04/01 06:46 PM

SB 1302 by **Garcia**; (Similar to CS/H 0847) Temporary Certificates for Visiting Physicians

516098	A	S		FAV	HP, Garcia	Delete L.91:	03/14 11:01 AM

SB 1388 by **Montford**; (Identical to H 1031) Instructional Materials for K-12 Public Education

555354	D	S	L	RCS	ED, Montford	Delete everything after	04/01 06:46 PM

SB 1390 by **Montford**; (Compare to H 1001) Charter Schools

133024	PCS	S		RCS	ED		04/01 06:46 PM
174548	PCS:A	S		RCS	ED, Montford	Delete L.223 - 230:	04/01 06:46 PM

CS/SB 1718 by **CA, Flores (CO-INTRODUCERS) Bullard, Margolis, Diaz de la Portilla**; (Similar to CS/H 1295) Discretionary Sales Surtaxes

SB 1722 by **Legg**; (Compare to H 5101) School Readiness Programs

556172	PCS	S		RCS	ED		04/01 06:47 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Legg, Chair
Senator Montford, Vice Chair

MEETING DATE: Monday, April 1, 2013
TIME: 3:15 —6:00 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

MEMBERS: Senator Legg, Chair; Senator Montford, Vice Chair; Senators Benacquisto, Brandes, Bullard, Galvano, Sachs, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	A proposed committee substitute for the following bill (SB 154) is expected to be considered:		
1	**SB 154** Detert (Compare H 801)	Certified School Counselors; Requiring each school district to have an overall ratio of at least one certified school counselor for a specified number of students; prohibiting certified school counselors from being used as support staff for administrative duties, etc. ED 04/01/2013 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0
2	**SB 158** Hays (Identical H 75)	Highway Safety; Prohibiting stopping a bus in a manner that impedes traffic while the bus is loading or unloading passengers, etc. ED 04/01/2013 Favorable TR JU	Favorable Yeas 9 Nays 0
3	**SB 226** Ring (Identical H 129)	Disability Awareness; Requiring that each district school board provide disability history and awareness instruction in all K-12 public schools; requiring that the Department of Education assist in creating the curriculum for the disability history and awareness instruction; creating the Disability History and Awareness Advisory Council within the Department of Education; providing that the Commissioner of Education, the member of the Senate, and the member of the House of Representatives are ex officio, nonvoting members of the council, etc. ED 03/18/2013 Temporarily Postponed ED 04/01/2013 Fav/CS CF AED AP	Fav/CS Yeas 8 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**SB 862** Stargel (Similar CS/CS/H 867)	Parent Empowerment in Education; Providing that parents who have a student in a public school that is implementing a turnaround option may petition to have a particular turnaround option implemented; requiring the school district to notify parents of a public school student being taught by an out-of-field teacher or by a teacher with an unsatisfactory performance rating; creating the Parent Empowerment Act; requiring the school district to consider the turnaround option on the valid petition with the most signatures at a publicly noticed school board meeting, etc. ED 04/01/2013 Favorable AED AP	Favorable Yeas 6 Nays 3
5	**SB 1280** Sachs (Identical H 99, H 1023)	Tax Dealer Collection Allowances; Revising the process for dealers to elect to forgo the sales tax collection allowance and direct that the collection allowance amount be transferred into the Educational Enhancement Trust Fund, etc. ED 04/01/2013 Favorable AFT AP	Favorable Yeas 9 Nays 0

A proposed committee substitute for the following bill (SB 1282) is expected to be considered:

6	**SB 1282** Stargel (Compare H 1267, CS/CS/H 7009, CS/H 7029, CS/S 1108, S 1396)	Charter Schools; Requiring policies agreed to by the sponsor and charter school to be incorporated into the charter contract; authorizing a charter school operated by a Florida College System institution to serve students in kindergarten through grade 12 if certain criteria are met; prohibiting the governing board or other related entity of a charter school subject to a corrective action plan or financial recovery plan from applying to open an additional charter school; restricting expenditures upon nonrenewal or termination of a charter school; revising requirements for classification as a high-performing charter school system, etc. ED 03/18/2013 Workshop-Discussed ED 04/01/2013 Fav/CS JU AED AP	Fav/CS Yeas 7 Nays 2

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	**SB 1302** Garcia (Similar CS/H 847)	Temporary Certificates for Visiting Physicians; Providing that a physician who has been invited by certain medical or surgical training programs or educational symposiums may be issued a temporary certificate for limited privileges solely to provide educational training; modifying criteria; revising the requirements for proof of medical malpractice insurance, etc. HP 03/14/2013 Fav/1 Amendment ED 04/01/2013 Favorable BI	Favorable Yeas 9 Nays 0
8	**SB 1388** Montford (Identical H 1031)	Instructional Materials for K-12 Public Education; Providing district school board duties relating to the collection of fees from publishers or manufacturers and procedures for reviewing and approving instructional materials; repealing provisions relating to a pilot program for the transition to electronic and digital instructional materials; providing procedures for Department of Education review and approval of instructional materials; providing duties of the State Board of Education relating to evaluating instructional materials; repealing provisions relating to the Textbook Bid Trust Fund, etc. ED 04/01/2013 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0

A proposed committee substitute for the following bill (SB 1390) is expected to be considered:

9	**SB 1390** Montford (Compare H 1001, H 1341, CS/H 7029, S 828, S 1092, S 1232)	Charter Schools; Creating the Florida Innovation Zone Schools Act to allow school districts to designate certain schools to serve as incubators of innovation and transformation of public education; exempting innovation zone schools from ch. 1000-1013, F.S., subject to certain exceptions; providing a calculation for compliance with class size maximums for a public school of choice or an innovation zone school; creating new reporting requirements for charter schools regarding governance, fees, and students; recognizing academically high-performing school choice districts and granting them flexibility, etc. ED 03/18/2013 Workshop-Discussed ED 04/01/2013 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	**CS/SB 1718** Community Affairs / Flores (Similar CS/H 1295)	Discretionary Sales Surtaxes; Authorizing a county defined in s. 125.011(1), F.S., to levy a surtax up to a specified amount for the benefit of a Florida College System institution in the county pursuant to an ordinance conditioned to take effect upon approval in a county referendum; establishing an oversight board with specified duties, responsibilities, and procedures relating to the expenditure of surtax proceeds; providing that state funding may not be reduced because an institution receives surtax funds, etc. CA 03/20/2013 Fav/CS ED 04/01/2013 Favorable AFT AP	Favorable Yeas 8 Nays 1

A proposed committee substitute for the following bill (SB 1722) is expected to be considered:

11	**SB 1722** Legg (Compare H 5101)	School Readiness Programs; Revising the duties of the Office of Early Learning for administration of school readiness programs; providing for the preassessment and postassessment of children enrolled in school readiness programs; requiring early learning coalitions to annually contract with school readiness providers using a standardized statewide contract; providing for investigations of fraud or overpayment in the school readiness program; creating the School Readiness Allocation Conference, etc. ED 04/01/2013 Fav/CS AED AP	Fav/CS Yeas 9 Nays 0

12 Discussion of Public Facilities Utilization

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.		
	State Board of Education		
13	Padget, John R. (Key West)	12/31/2016	Recommend Confirm Yeas 8 Nays 0
	Board of Governors of the State University System		
14	Huizenga, H. Wayne, Jr. (Delray Beach)	01/06/2020	Recommend Confirm Yeas 8 Nays 0
	Lautenbach, Ned C. (Naples)	01/06/2019	Recommend Confirm Yeas 8 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	Board of Trustees, Florida State University		
15	Pantin, Leslie V. (Coral Gables)	01/06/2018	Recommend Confirm Yeas 8 Nays 0
	Board of Trustees, Florida International University		
16	Alvarez, Cesar L. (Miami)	01/06/2018	Recommend Confirm Yeas 8 Nays 0
	Board of Trustees, New College of Florida		
17	Skestos, George A. (Longboat Key)	01/06/2018	Recommend Confirm Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

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Proposed Committee Substitute by the Committee on Education

A bill to be entitled

An act relating to certified school counselors; amending ss. 322.091, 381.0057, 1002.3105, 1003.21, 1003.43, 1003.491, 1004.04, 1006.025, 1007.35, 1008.42, 1009.53, 1012.01, 1012.71, and 1012.98, F.S.; renaming guidance counselors as "certified school counselors"; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) of section 322.091, Florida Statutes, is amended to read:

322.091 Attendance requirements.—

(3) HARDSHIP WAIVER AND APPEAL.—

(b) The public school principal, the principal's designee, or the designee of the governing body of a private school shall waive the requirements of subsection (1) for any minor under the school's jurisdiction for whom a personal or family hardship requires that the minor have a driver ~~driver's~~ license for his or her own, or his or her family's, employment or medical care. The minor or the minor's parent or guardian may present other evidence that indicates compliance with the requirements of subsection (1) at the waiver hearing. The public school principal, the principal's designee, or the designee of the governing body of a private school shall consider ~~take into consideration~~ the recommendations of teachers, other school officials, certified school ~~guidance~~ counselors, or academic advisers before waiving the requirements of subsection (1).

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Section 2. Paragraph (b) of subsection (3) of section 381.0057, Florida Statutes, is amended to read:

381.0057 Funding for school health services.—

(3) Any school district, school, or laboratory school which desires to receive state funding under the provisions of this section shall submit a proposal to the joint committee established in subsection (2). The proposal shall state the goals of the program, provide specific plans for reducing teenage pregnancy, and describe all of the health services to be available to students with funds provided pursuant to this section, including a combination of initiatives such as health education, counseling, extracurricular, and self-esteem components. School health services shall not promote elective termination of pregnancy as a part of counseling services. Only those program proposals which have been developed jointly by county health departments and local school districts or schools, and which have community and parental support, shall be eligible for funding. Funding shall be available specifically for implementation of one of the following programs:

(b) *Student support services team program.*—The program shall include a multidisciplinary team composed of a psychologist, social worker, and nurse whose responsibilities are to provide basic support services and to assist, in the school setting, children who exhibit mild to severely complex health, behavioral, or learning problems affecting their school performance. Support services ~~shall~~ include, but are not ~~be~~ limited to: evaluation and treatment of ~~for~~ minor illnesses and injuries, referral and followup for serious illnesses and emergencies, onsite care and consultation, referral to a

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physician, and followup care for pregnancy or chronic diseases and disorders as well as emotional or mental problems. Services also ~~shall~~ include referral care for drug and alcohol abuse and sexually transmitted diseases, sports and employment physicals, immunizations, and ~~in addition,~~ effective preventive services aimed at delaying early sexual involvement and aimed at pregnancy, acquired immune deficiency syndrome, sexually transmitted diseases, and destructive lifestyle conditions, such as alcohol and drug abuse. Moneys for this program shall be used to fund three teams, each consisting of one half-time psychologist, one full-time nurse, and one full-time social worker. Each team shall provide student support services to an elementary school, middle school, and high school that are a part of one feeder school system and shall coordinate all activities with the school administrator and certified school ~~guidance~~ counselor at each school. A program that ~~which~~ places all three teams in middle schools or high schools may also be proposed.

Funding may also be available for any other program that is comparable to a program described in this subsection but is designed to meet the particular needs of the community.

Section 3. Paragraph (e) of subsection (3) of section 1002.3105, Florida Statutes, is amended to read:

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

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

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(e) A recommendation from a certified school ~~guidance~~ counselor, if one is assigned to the school in which the student is enrolled.

Section 4. Paragraph (c) of subsection (1) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(1)

(c) A student who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board. Public school students who have attained the age of 16 years and who have not graduated are subject to compulsory school attendance until the formal declaration of intent is filed with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. The school district shall ~~must~~ notify the student's parent of receipt of the student's declaration of intent to terminate school enrollment. The student's certified school ~~guidance~~ counselor or other school personnel shall ~~must~~ conduct an exit interview with the student to determine the reasons for the student's decision to terminate school enrollment and actions that could be taken to keep the student in school. The student's certified school counselor or other school personnel shall inform the student ~~must be informed~~ of opportunities to continue his or her education in a different environment, including, but not limited to, adult education and GED test preparation.

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116 Additionally, the student shall ~~must~~ complete a survey in a
117 format prescribed by the Department of Education to provide data
118 on student reasons for terminating enrollment and actions taken
119 by schools to keep students enrolled.
120 Section 5. Paragraph (d) of subsection (7) of section
121 1003.43, Florida Statutes, is amended to read:
122 1003.43 General requirements for high school graduation.—
123 (7) No student may be granted credit toward high school
124 graduation for enrollment in the following courses or programs:
125 (d) Any Level I course unless the student's assessment
126 indicates that a more rigorous course of study would be
127 inappropriate, in which case a written assessment of the need
128 must be included in the student's individual educational plan or
129 in a student performance plan, signed by the principal, the
130 certified school ~~guidance~~ counselor, and the parent of the
131 student, or the student if the student is 18 years of age or
132 older.
133 Section 6. Subsection (3) and paragraph (a) of subsection
134 (4) of section 1003.491, Florida Statutes, are amended to read:
135 1003.491 Florida Career and Professional Education Act.—The
136 Florida Career and Professional Education Act is created to
137 provide a statewide planning partnership between the business
138 and education communities in order to attract, expand, and
139 retain targeted, high-value industry and to sustain a strong,
140 knowledge-based economy.
141 (3) The strategic 3-year plan developed jointly by the
142 local school district, regional workforce boards, economic
143 development agencies, and state-approved postsecondary
144 institutions shall be constructed and based on:

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145 (a) Research conducted to objectively determine local and
146 regional workforce needs for the ensuing 3 years, using labor
147 projections of the United States Department of Labor and the
148 Department of Economic Opportunity;
149 (b) Strategies to develop and implement career academies or
150 career-themed courses based on those careers determined to be
151 high-wage, high-skill, and high-demand;
152 (c) Strategies to provide shared, maximum use of private
153 sector facilities and personnel;
154 (d) Strategies that ensure instruction by industry-
155 certified faculty and standards and strategies to maintain
156 current industry credentials and for recruiting and retaining
157 faculty to meet those standards;
158 (e) Strategies to provide personalized student advisement,
159 including a parent-participation component, and coordination
160 with middle schools to promote and support career-themed courses
161 and education planning as required under s. 1003.4156;
162 (f) Alignment of requirements for middle school career
163 planning under s. 1003.4156(1)(a)5., middle and high school
164 career and professional academies or career-themed courses
165 leading to industry certification or postsecondary credit, and
166 high school graduation requirements;
167 (g) Provisions to ensure that career-themed courses and
168 courses offered through career and professional academies are
169 academically rigorous, meet or exceed appropriate state-adopted
170 subject area standards, result in attainment of industry
171 certification, and, when appropriate, result in postsecondary
172 credit;
173 (h) Plans to sustain and improve career-themed courses and

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174 career and professional academies;
175 (i) Strategies to improve the passage rate for industry
176 certification examinations if the rate falls below 50 percent;
177 (j) Strategies to recruit students into career-themed
178 courses and career and professional academies which include
179 opportunities for students who have been unsuccessful in
180 traditional classrooms but who are interested in enrolling in
181 career-themed courses or a career and professional academy.
182 School boards shall provide opportunities for students who may
183 be deemed ~~as~~ potential dropouts to enroll in career-themed
184 courses or participate in career and professional academies;
185 (k) Strategies to provide sufficient space within academies
186 to meet workforce needs and to provide access to all interested
187 and qualified students;
188 (l) Strategies to implement career-themed courses or career
189 and professional academy training that lead to industry
190 certification in juvenile justice education programs;
191 (m) Opportunities for high school students to earn weighted
192 or dual enrollment credit for higher-level career and technical
193 courses;
194 (n) Promotion of the benefits of the Gold Seal Bright
195 Futures Scholarship;
196 (o) Strategies to ensure the review of district pupil-
197 progression plans and to amend such plans to include career-
198 themed courses and career and professional academy courses and
199 to include courses that may qualify as substitute courses for
200 core graduation requirements and those that may be counted as
201 elective courses;
202 (p) Strategies to provide professional development for

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203 secondary certified school ~~guidance~~ counselors on the benefits
204 of career and professional academies and career-themed courses
205 that lead to industry certification; and
206 (q) Strategies to redirect appropriated career funding in
207 secondary and postsecondary institutions to support career
208 academies and career-themed courses that lead to industry
209 certification.
210 (4) The State Board of Education shall establish a process
211 for the continual and uninterrupted review of newly proposed
212 core secondary courses and existing courses requested to be
213 considered as core courses to ensure that sufficient rigor and
214 relevance is provided for workforce skills and postsecondary
215 education and aligned to state curriculum standards.
216 (a) The review of newly proposed core secondary courses
217 shall be the responsibility of a curriculum review committee
218 whose membership is approved by Workforce Florida, Inc., and
219 shall include:
220 1. Three certified high school ~~guidance~~ counselors
221 recommended by the Florida Association of Student Services
222 Administrators.
223 2. Three assistant superintendents for curriculum and
224 instruction, recommended by the Florida Association of District
225 School Superintendents and who serve in districts that operate
226 successful career and professional academies pursuant to s.
227 1003.492 or a successful series of courses that lead to industry
228 certification. Committee members in this category shall employ
229 the expertise of appropriate subject area specialists in the
230 review of proposed courses.
231 3. Three workforce representatives recommended by the

Department of Economic Opportunity.

4. Three admissions directors of postsecondary institutions accredited by the Southern Association of Colleges and Schools, representing both public and private institutions.

5. The Commissioner of Education, or his or her designee, responsible for K-12 curriculum and instruction. The commissioner shall employ the expertise of appropriate subject area specialists in the review of proposed courses.

Section 7. Paragraph (f) of subsection (5) of section 1004.04, Florida Statutes, is amended to read:

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

(5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection (4), failure by a public or nonpublic teacher preparation program to meet the criteria for continued program approval shall result in loss of program approval. The Department of Education, in collaboration with the departments and colleges of education, shall develop procedures for continued program approval that document the continuous improvement of program processes and graduates' performance.

(f)1. Each Florida public and private institution that offers a state-approved teacher preparation program must annually report information regarding these programs to the state and the general public. This information shall be reported in a uniform and comprehensible manner that is consistent with definitions and methods approved by the Commissioner of the National Center for Educational Statistics and that is approved by the State Board of Education. This information must include, at a minimum:

a. The percent of graduates obtaining full-time teaching employment within the first year of graduation.

b. The average length of stay of graduates in their full-time teaching positions.

c. Satisfaction ratings required in paragraph (e).

2. Each public and private institution offering training for school readiness related professions, including training in the fields of child care and early childhood education, whether offering career credit, associate in applied science degree programs, associate in science degree programs, or associate in arts degree programs, shall annually report information regarding these programs to the state and the general public in a uniform and comprehensible manner that conforms with definitions and methods approved by the State Board of Education. This information must include, at a minimum:

a. Average length of stay of graduates in their positions.

b. Satisfaction ratings of graduates' employers.

This information shall be reported through publications, including college and university catalogs and promotional materials sent to potential applicants, <u>certified</u> secondary school ~~guidance~~ counselors, and prospective employers of the institution's program graduates.

Section 8. Paragraphs (a) and (c) of subsection (2) of section 1006.025, Florida Statutes, are amended to read:

1006.025 Guidance services.—

(2) The guidance report shall include, but not be limited to, the following:

(a) Examination of student access to <u>certified school</u>

290 ~~guidance~~ counselors.
291 (c) Evaluation of the information and training available to
292 certified school ~~guidance~~ counselors and career specialists to
293 advise students on areas of critical need, labor market trends,
294 and technical training requirements.
295 Section 9. Paragraph (a) of subsection (5) of section
296 1007.35, Florida Statutes, is amended to read:
297 1007.35 Florida Partnership for Minority and
298 Underrepresented Student Achievement.—
299 (5) Each public high school, including, but not limited to,
300 schools and alternative sites and centers of the Department of
301 Juvenile Justice, shall provide for the administration of the
302 Preliminary SAT/National Merit Scholarship Qualifying Test
303 (PSAT/NMSQT), or Preliminary ACT (PLAN) to all enrolled 10th
304 grade students. However, a written notice shall be provided to
305 each parent that shall include the opportunity to exempt his or
306 her child from taking the PSAT/NMSQT or PLAN.
307 (a) Test results will provide each high school with a
308 database of student assessment data which certified school
309 ~~guidance~~ counselors will use to identify students who are
310 prepared or who need additional work to be prepared to enroll
311 and be successful in AP courses or other advanced high school
312 courses.
313 Section 10. Paragraph (b) of subsection (2) of section
314 1008.42, Florida Statutes, is amended to read:
315 1008.42 Public information on career education programs.—
316 (2) The dissemination shall be conducted in accordance with
317 the following procedures:
318 (b)1. Each district school board shall publish, at a

319 minimum, the most recently available placement rate for each
320 career certificate program conducted by that school district at
321 the secondary school level and at the career degree level. The
322 placement rates for the preceding 3 years shall be published, if
323 available, shall be included in each publication that informs
324 the public of the availability of the program, and shall be made
325 available to each certified school ~~guidance~~ counselor. If a
326 program does not have a placement rate, a publication that lists
327 or describes that program must state that the rate is
328 unavailable.
329 2. Each Florida College System institution shall publish,
330 at a minimum, the most recent placement rate for each career
331 certificate program and for each career degree program in its
332 annual catalog. The placement rates for the preceding 3 years
333 shall be published, if available, and shall be included in any
334 publication that informs the public of the availability of the
335 program. If a program does not have a placement rate, the
336 publication that lists or describes that program must state that
337 the rate is unavailable.
338 3. If a school district or a Florida College System
339 institution has calculated for a program a placement rate that
340 differs from the rate reported by the department, and if each
341 record of a placement was obtained through a process that was
342 capable of being audited, procedurally sound, and consistent
343 statewide, the district or the Florida College System
344 institution may use the locally calculated placement rate in the
345 report required by this section. However, that rate may not be
346 combined with the rate maintained in the computer files of the
347 Department of Education's Florida Education and Training

348 Placement Information Program.
349 4. An independent career, trade, or business school may not
350 publish a placement rate unless the placement rate was
351 determined as provided by this section.
352 Section 11. Subsection (3) of section 1009.53, Florida
353 Statutes, is amended to read:
354 1009.53 Florida Bright Futures Scholarship Program.—
355 (3) The Department of Education shall administer the Bright
356 Futures Scholarship Program according to rules and procedures
357 established by the State Board of Education. A single
358 application must be sufficient for a student to apply for any of
359 the three types of awards. The department shall ~~must~~ advertise
360 the availability of the scholarship program and shall ~~must~~
361 notify students, teachers, parents, certified school ~~guidance~~
362 counselors, and principals or other relevant school
363 administrators of the criteria and application procedures. The
364 department must begin this process of notification no later than
365 January 1 of each year.
366 Section 12. Paragraph (b) of subsection (2) of section
367 1012.01, Florida Statutes, is amended to read:
368 1012.01 Definitions.—As used in this chapter, the following
369 terms have the following meanings:
370 (2) INSTRUCTIONAL PERSONNEL.—"Instructional personnel"
371 means any K-12 staff member whose function includes the
372 provision of direct instructional services to students.
373 Instructional personnel also includes K-12 personnel whose
374 functions provide direct support in the learning process of
375 students. Included in the classification of instructional
376 personnel are the following K-12 personnel:

377 (b) *Student personnel services.*—Student personnel services
378 include staff members responsible for: advising students with
379 regard to their abilities and aptitudes, educational and
380 occupational opportunities, and personal and social adjustments;
381 providing placement services; performing educational
382 evaluations; and similar functions. Included in this
383 classification are certified school ~~guidance~~ counselors, social
384 workers, career specialists, and school psychologists.
385 Section 13. Subsection (1) of section 1012.71, Florida
386 Statutes, is amended to read:
387 1012.71 The Florida Teachers Lead Program.—
388 (1) For purposes of the Florida Teachers Lead Program, the
389 term "classroom teacher" means a certified teacher employed by a
390 public school district or a public charter school in that
391 district on or before September 1 of each year whose full-time
392 or job-share responsibility is the classroom instruction of
393 students in prekindergarten through grade 12, including full-
394 time media specialists and certified school ~~guidance~~ counselors
395 serving students in prekindergarten through grade 12, who are
396 funded through the Florida Education Finance Program. A "job-
397 share" classroom teacher is one of two teachers whose combined
398 full-time equivalent employment for the same teaching assignment
399 equals one full-time classroom teacher.
400 Section 14. Paragraph (a) of subsection (3) of section
401 1012.98, Florida Statutes, is amended to read:
402 1012.98 School Community Professional Development Act.—
403 (3) The activities designed to implement this section must:
404 (a) Support and increase the success of educators through
405 collaboratively developed school improvement plans that focus

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406 on:
407 1. Enhanced and differentiated instructional strategies to
408 engage students in a rigorous and relevant curriculum based on
409 state and local educational standards, goals, and initiatives;
410 2. Increased opportunities to provide meaningful
411 relationships between teachers and all students; and
412 3. Increased opportunities for professional collaboration
413 among and between teachers, certified school ~~guidance~~
414 counselors, instructional leaders, postsecondary educators
415 engaged in preservice training for new teachers, and the
416 workforce community.
417 Section 15. This act shall take effect July 1, 2013.

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 154

INTRODUCER: Committee on Education and Senator Detert

SUBJECT: Certified School Counselors

DATE: April 1, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McLaughlin	Klebacha	ED	**Fav/CS**
2.			AED	
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	X	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 154 substitutes "certified school counselor" for the term "guidance counselor." This reflects the current requirement that persons employed as school counselors be certified as set forth by law and State Board of Education rule.

The bill provides an effective date of July 1, 2013.

This bill amends ss. 322.091, 381.0057, 1002.3105, 1003.21, 1003.43, 1003.491, 1004.04, 1006.025, 1007.35, 1008.42, 1009.53, 1012.01, 1012.71, and 1012.98 of the Florida Statutes.

II. Present Situation:

Current law defines school counseling personnel as guidance counselors.[1] School counselors play a significant role in school guidance and counseling programs, which are designed to promote student success through a focus on academic achievement, prevention, intervention, and

[1] s. 1012.01(2)(b), F.S.

advocacy.[2] Now, guidance counselors evaluate students and participate in decisions relating to the promotion, remediation, and retention of students. Effective school guidance counselors work with school administrators, faculty, students, parents, and members of the community to plan, implement, and evaluate comprehensive guidance and counseling programs. In advising students, counselors identify needs, define priorities, and determine appropriate objectives. They also determine the personnel, physical resources, programs, and activities required to best serve the student.[3]

School counselors are considered instructional personnel within Florida's public school system.[4] To be employed as a school counselor, a person must be certified as required by law and State Board of Education (SBE) rule.[5] To be certified in guidance and counseling, a person must hold a master's or higher degree with a graduate major in guidance and counseling or counselor education or a master's or higher degree with 30 semester hours of graduate credit in specified guidance and counseling courses.[6]

III. Effect of Proposed Changes:

CS/SB 154 replaces, within the Florida Statutes, the term "guidance counselor" with "certified school counselor." This change reflects the current requirement that persons employed as school counselors hold a certificate in guidance and counseling as provided by law and SBE rule.[7]

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

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[2] Florida Department of Education, Division of Workforce Development, *Florida's School Counseling and Guidance Framework: A Comprehensive Student Development Model* (2002), available at http://www.fldoe.org/workforce/pdf/guidance.pdf (last visited March 26, 2013).
[3] *Id.*
[4] s. 1012.01(2)(b), F.S.
[5] s. 1012.55(1), F.S.
[6] Rule 6A-4.0181, F.A.C.
[7] *See* Section 1012.55(1), F.S., and Rule 6A-4.0181, F.A.C.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by the Committee on April 1, 2013:
The committee substitute:

- Replaces the term "guidance counselor" with "certified school counselor"; and
- Removes from the bill specified duties of counselors, counselor to student ratios, minimum of full-time counselors per school, ratio of counselors to students in an annual audit, and required district rule adoption for counselors.

B. Amendments:

None.

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

236054

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/01/2013	.	
	.	
	.	
	.	

The Committee on Education (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete lines 29 - 50
and insert:
(1) Each school district shall have a minimum of one full-time certified school counselor for each school.
(2) Each certified school counselor shall provide counseling to students; develop and deliver curriculum at the appropriate grade level; coordinate activities and programs for each curriculum; and consult with school administrators, teachers, parents, and students.

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

236054

14 And the title is amended as follows:
15 Delete lines 3 - 15
16 and insert:
17 requiring each school district to have at least one
18 full-time certified school counselor in each school;
19 providing the duties of certified

By Senator Detert

28-00128B-13 2013154__

A bill to be entitled

An act relating to certified school counselors; requiring each school district to have an overall ratio of at least one certified school counselor for a specified number of students; requiring each elementary, middle, and high school within the school district to have a specified minimum ratio of certified school counselors to students; requiring each school to have a minimum of one full-time certified school counselor and assign additional half-time or full-time certified school counselors only after reaching the maximum ratio; requiring each school district to include the ratio of certified school counselors to students in its annual audit and to adopt rules; providing the duties of certified school counselors; amending ss. 322.091, 381.0057, 1002.3105, 1003.21, 1003.43, 1003.491, 1004.04, 1006.025, 1007.35, 1008.42, 1009.53, 1012.71, and 1012.98, F.S.; revising provisions to conform to changes made by the act; amending s. 1012.01, F.S.; prohibiting certified school counselors from being used as support staff for administrative duties; providing an effective date.

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

Section 1. Certified school counselors in public schools; duties.—

(1)(a) Each school district shall have an overall ratio of

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28-00128B-13 2013154__

at least one certified school counselor for every 300 students, with each elementary school having at least one certified school counselor for every 350 students, each middle school having at least one certified school counselor for every 300 students, and each high school having at least one certified school counselor for every 250 students.

(b) Each school shall have a minimum of one full-time certified school counselor and shall assign additional half-time or full-time certified school counselors only after reaching the overall ratio provided in paragraph (a).

(c) Each school district shall include the ratio of certified school counselors to students in its annual audit and shall adopt rules outlining the duties of certified school counselors which are commensurate with their training and certification and pursuant to the requirements in s. 1012.01(2)(b), Florida Statutes.

(2) Each certified school counselor shall provide counseling to students; develop and deliver curriculum at the appropriate grade level; coordinate activities and programs for each curriculum; and consult with school administrators, teachers, parents, and students.

Section 2. Paragraph (b) of subsection (3) of section 322.091, Florida Statutes, is amended to read:

322.091 Attendance requirements.—

(3) HARDSHIP WAIVER AND APPEAL.—

(b) The public school principal, the principal's designee, or the designee of the governing body of a private school shall waive the requirements of subsection (1) for any minor under the school's jurisdiction for whom a personal or family hardship

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59 requires that the minor have a driver's license for his or her
60 own, or his or her family's, employment or medical care. The
61 minor or the minor's parent or guardian may present other
62 evidence that indicates compliance with the requirements of
63 subsection (1) at the waiver hearing. The public school
64 principal, the principal's designee, or the designee of the
65 governing body of a private school shall consider ~~take into~~
66 ~~consideration~~ the recommendations of teachers, other school
67 officials, certified school ~~guidance~~ counselors, or academic
68 advisers before waiving the requirements of subsection (1).
69 Section 3. Paragraph (b) of subsection (3) of section
70 381.0057, Florida Statutes, is amended to read:
71 381.0057 Funding for school health services.—
72 (3) Any school district, school, or laboratory school which
73 desires to receive state funding under the provisions of this
74 section shall submit a proposal to the joint committee
75 established in subsection (2). The proposal shall state the
76 goals of the program, provide specific plans for reducing
77 teenage pregnancy, and describe all of the health services to be
78 available to students with funds provided pursuant to this
79 section, including a combination of initiatives such as health
80 education, counseling, extracurricular, and self-esteem
81 components. School health services shall not promote elective
82 termination of pregnancy as a part of counseling services. Only
83 those program proposals which have been developed jointly by
84 county health departments and local school districts or schools,
85 and which have community and parental support, shall be eligible
86 for funding. Funding shall be available specifically for
87 implementation of one of the following programs:

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88 (b) *Student support services team program.*—The program
89 shall include a multidisciplinary team composed of a
90 psychologist, social worker, and nurse whose responsibilities
91 are to provide basic support services and to assist, in the
92 school setting, children who exhibit mild to severely complex
93 health, behavioral, or learning problems affecting their school
94 performance. Support services shall include, but not be limited
95 to: evaluation and treatment for minor illnesses and injuries,
96 referral and followup for serious illnesses and emergencies,
97 onsite care and consultation, referral to a physician, and
98 followup care for pregnancy or chronic diseases and disorders as
99 well as emotional or mental problems. Services also shall
100 include referral care for drug and alcohol abuse and sexually
101 transmitted diseases, sports and employment physicals,
102 immunizations, and in addition, effective preventive services
103 aimed at delaying early sexual involvement and aimed at
104 pregnancy, acquired immune deficiency syndrome, sexually
105 transmitted diseases, and destructive lifestyle conditions, such
106 as alcohol and drug abuse. Moneys for this program shall be used
107 to fund three teams, each consisting of one half-time
108 psychologist, one full-time nurse, and one full-time social
109 worker. Each team shall provide student support services to an
110 elementary school, middle school, and high school that are a
111 part of one feeder school system and shall coordinate all
112 activities with the school administrator and certified school
113 ~~guidance~~ counselor at each school. A program that ~~which~~ places
114 all three teams in middle schools or high schools may also be
115 proposed.
116

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117 Funding may also be available for any other program that is
118 comparable to a program described in this subsection but is
119 designed to meet the particular needs of the community.
120 Section 4. Paragraph (e) of subsection (3) of section
121 1002.3105, Florida Statutes, is amended to read:
122 1002.3105 Academically Challenging Curriculum to Enhance
123 Learning (ACCEL) options.—
124 (3) STUDENT ELIGIBILITY CONSIDERATIONS.—When establishing
125 student eligibility requirements, principals and school
126 districts must consider, at a minimum:
127 (e) A recommendation from a certified school ~~guidance~~
128 counselor if one is assigned to the school in which the student
129 is enrolled.
130 Section 5. Paragraph (c) of subsection (1) of section
131 1003.21, Florida Statutes, is amended to read:
132 1003.21 School attendance.—
133 (1)
134 (c) A student who attains the age of 16 years during the
135 school year is not subject to compulsory school attendance
136 beyond the date upon which he or she attains that age if the
137 student files a formal declaration of intent to terminate school
138 enrollment with the district school board. Public school
139 students who have attained the age of 16 years and who have not
140 graduated are subject to compulsory school attendance until the
141 formal declaration of intent is filed with the district school
142 board. The declaration must acknowledge that terminating school
143 enrollment is likely to reduce the student's earning potential
144 and must be signed by the student and the student's parent. The
145 school district shall ~~must~~ notify the student's parent of

146 receipt of the student's declaration of intent to terminate
147 school enrollment. The student's certified school ~~guidance~~
148 counselor or other school personnel shall ~~must~~ conduct an exit
149 interview with the student to determine the reasons for the
150 student's decision to terminate school enrollment and actions
151 that could be taken to keep the student in school. The student's
152 certified school counselor or other school personnel shall
153 inform the student ~~must be informed~~ of opportunities to continue
154 his or her education in a different environment, including, but
155 not limited to, adult education and GED test preparation.
156 Additionally, the student shall ~~must~~ complete a survey in a
157 format prescribed by the Department of Education to provide data
158 on student reasons for terminating enrollment and actions taken
159 by schools to keep students enrolled.
160 Section 6. Paragraph (d) of subsection (7) of section
161 1003.43, Florida Statutes, is amended to read:
162 1003.43 General requirements for high school graduation.—
163 (7) No student may be granted credit toward high school
164 graduation for enrollment in the following courses or programs:
165 (d) Any Level I course unless the student's assessment
166 indicates that a more rigorous course of study would be
167 inappropriate, in which case a written assessment of the need
168 must be included in the student's individual educational plan or
169 in a student performance plan, signed by the principal, the
170 certified school ~~guidance~~ counselor, and the parent of the
171 student, or the student if the student is 18 years of age or
172 older.
173 Section 7. Subsection (3) and paragraph (a) of subsection
174 (4) of section 1003.491, Florida Statutes, are amended to read:

175 1003.491 Florida Career and Professional Education Act.—The
176 Florida Career and Professional Education Act is created to
177 provide a statewide planning partnership between the business
178 and education communities in order to attract, expand, and
179 retain targeted, high-value industry and to sustain a strong,
180 knowledge-based economy.
181 (3) The strategic 3-year plan developed jointly by the
182 local school district, regional workforce boards, economic
183 development agencies, and state-approved postsecondary
184 institutions shall be constructed and based on:
185 (a) Research conducted to objectively determine local and
186 regional workforce needs for the ensuing 3 years, using labor
187 projections of the United States Department of Labor and the
188 Department of Economic Opportunity;
189 (b) Strategies to develop and implement career academies or
190 career-themed courses based on those careers determined to be
191 high-wage, high-skill, and high-demand;
192 (c) Strategies to provide shared, maximum use of private
193 sector facilities and personnel;
194 (d) Strategies that ensure instruction by industry-
195 certified faculty and standards and strategies to maintain
196 current industry credentials and for recruiting and retaining
197 faculty to meet those standards;
198 (e) Strategies to provide personalized student advisement,
199 including a parent-participation component, and coordination
200 with middle schools to promote and support career-themed courses
201 and education planning as required under s. 1003.4156;
202 (f) Alignment of requirements for middle school career
203 planning under s. 1003.4156(1)(a)5., middle and high school

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204 career and professional academies or career-themed courses
205 leading to industry certification or postsecondary credit, and
206 high school graduation requirements;
207 (g) Provisions to ensure that career-themed courses and
208 courses offered through career and professional academies are
209 academically rigorous, meet or exceed appropriate state-adopted
210 subject area standards, result in attainment of industry
211 certification, and, when appropriate, result in postsecondary
212 credit;
213 (h) Plans to sustain and improve career-themed courses and
214 career and professional academies;
215 (i) Strategies to improve the passage rate for industry
216 certification examinations if the rate falls below 50 percent;
217 (j) Strategies to recruit students into career-themed
218 courses and career and professional academies which include
219 opportunities for students who have been unsuccessful in
220 traditional classrooms but who are interested in enrolling in
221 career-themed courses or a career and professional academy.
222 School boards shall provide opportunities for students who may
223 be deemed as potential dropouts to enroll in career-themed
224 courses or participate in career and professional academies;
225 (k) Strategies to provide sufficient space within academies
226 to meet workforce needs and to provide access to all interested
227 and qualified students;
228 (l) Strategies to implement career-themed courses or career
229 and professional academy training that lead to industry
230 certification in juvenile justice education programs;
231 (m) Opportunities for high school students to earn weighted
232 or dual enrollment credit for higher-level career and technical

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233 courses;
234 (n) Promotion of the benefits of the Gold Seal Bright
235 Futures Scholarship;
236 (o) Strategies to ensure the review of district pupil-
237 progression plans and to amend such plans to include career-
238 themed courses and career and professional academy courses and
239 to include courses that may qualify as substitute courses for
240 core graduation requirements and those that may be counted as
241 elective courses;
242 (p) Strategies to provide professional development for
243 secondary certified school ~~guidance~~ counselors on the benefits
244 of career and professional academies and career-themed courses
245 that lead to industry certification; and
246 (q) Strategies to redirect appropriated career funding in
247 secondary and postsecondary institutions to support career
248 academies and career-themed courses that lead to industry
249 certification.
250 (4) The State Board of Education shall establish a process
251 for the continual and uninterrupted review of newly proposed
252 core secondary courses and existing courses requested to be
253 considered as core courses to ensure that sufficient rigor and
254 relevance is provided for workforce skills and postsecondary
255 education and aligned to state curriculum standards.
256 (a) The review of newly proposed core secondary courses
257 shall be the responsibility of a curriculum review committee
258 whose membership is approved by Workforce Florida, Inc., and
259 shall include:
260 1. Three certified high school ~~guidance~~ counselors
261 recommended by the Florida Association of Student Services

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262 Administrators.
263 2. Three assistant superintendents for curriculum and
264 instruction, recommended by the Florida Association of District
265 School Superintendents and who serve in districts that operate
266 successful career and professional academies pursuant to s.
267 1003.492 or a successful series of courses that lead to industry
268 certification. Committee members in this category shall employ
269 the expertise of appropriate subject area specialists in the
270 review of proposed courses.
271 3. Three workforce representatives recommended by the
272 Department of Economic Opportunity.
273 4. Three admissions directors of postsecondary institutions
274 accredited by the Southern Association of Colleges and Schools,
275 representing both public and private institutions.
276 5. The Commissioner of Education, or his or her designee,
277 responsible for K-12 curriculum and instruction. The
278 commissioner shall employ the expertise of appropriate subject
279 area specialists in the review of proposed courses.
280 Section 8. Paragraph (f) of subsection (5) of section
281 1004.04, Florida Statutes, is amended to read:
282 1004.04 Public accountability and state approval for
283 teacher preparation programs.—
284 (5) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection
285 (4), failure by a public or nonpublic teacher preparation
286 program to meet the criteria for continued program approval
287 shall result in loss of program approval. The Department of
288 Education, in collaboration with the departments and colleges of
289 education, shall develop procedures for continued program
290 approval that document the continuous improvement of program

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291 processes and graduates' performance.
292 (f)1. Each Florida public and private institution that
293 offers a state-approved teacher preparation program must
294 annually report information regarding these programs to the
295 state and the general public. This information shall be reported
296 in a uniform and comprehensible manner that is consistent with
297 definitions and methods approved by the Commissioner of the
298 National Center for Educational Statistics and that is approved
299 by the State Board of Education. This information must include,
300 at a minimum:
301 a. The percent of graduates obtaining full-time teaching
302 employment within the first year of graduation.
303 b. The average length of stay of graduates in their full-
304 time teaching positions.
305 c. Satisfaction ratings required in paragraph (e).
306 2. Each public and private institution offering training
307 for school readiness related professions, including training in
308 the fields of child care and early childhood education, whether
309 offering career credit, associate in applied science degree
310 programs, associate in science degree programs, or associate in
311 arts degree programs, shall annually report information
312 regarding these programs to the state and the general public in
313 a uniform and comprehensible manner that conforms with
314 definitions and methods approved by the State Board of
315 Education. This information must include, at a minimum:
316 a. Average length of stay of graduates in their positions.
317 b. Satisfaction ratings of graduates' employers.
318
319 This information shall be reported through publications,

320 including college and university catalogs and promotional
321 materials sent to potential applicants, certified secondary
322 school ~~guidance~~ counselors, and prospective employers of the
323 institution's program graduates.
324 Section 9. Paragraphs (a) and (c) of subsection (2) of
325 section 1006.025, Florida Statutes, are amended to read:
326 1006.025 Guidance services.—
327 (2) The guidance report shall include, but not be limited
328 to, the following:
329 (a) Examination of student access to certified school
330 ~~guidance~~ counselors.
331 (c) Evaluation of the information and training available to
332 certified school ~~guidance~~ counselors and career specialists to
333 advise students on areas of critical need, labor market trends,
334 and technical training requirements.
335 Section 10. Paragraph (a) of subsection (5) of section
336 1007.35, Florida Statutes, is amended to read:
337 1007.35 Florida Partnership for Minority and
338 Underrepresented Student Achievement.—
339 (5) Each public high school, including, but not limited to,
340 schools and alternative sites and centers of the Department of
341 Juvenile Justice, shall provide for the administration of the
342 Preliminary SAT/National Merit Scholarship Qualifying Test
343 (PSAT/NMSQT), or Preliminary ACT (PLAN) to all enrolled 10th
344 grade students. However, a written notice shall be provided to
345 each parent that shall include the opportunity to exempt his or
346 her child from taking the PSAT/NMSQT or PLAN.
347 (a) Test results will provide each high school with a
348 database of student assessment data which certified school

349 ~~guidance~~ counselors will use to identify students who are
350 prepared or who need additional work to be prepared to enroll
351 and be successful in AP courses or other advanced high school
352 courses.
353 Section 11. Paragraph (b) of subsection (2) of section
354 1008.42, Florida Statutes, is amended to read:
355 1008.42 Public information on career education programs.—
356 (2) The dissemination shall be conducted in accordance with
357 the following procedures:
358 (b)1. Each district school board shall publish, at a
359 minimum, the most recently available placement rate for each
360 career certificate program conducted by that school district at
361 the secondary school level and at the career degree level. The
362 placement rates for the preceding 3 years shall be published, if
363 available, shall be included in each publication that informs
364 the public of the availability of the program, and shall be made
365 available to each certified school ~~guidance~~ counselor. If a
366 program does not have a placement rate, a publication that lists
367 or describes that program must state that the rate is
368 unavailable.
369 2. Each Florida College System institution shall publish,
370 at a minimum, the most recent placement rate for each career
371 certificate program and for each career degree program in its
372 annual catalog. The placement rates for the preceding 3 years
373 shall be published, if available, and shall be included in any
374 publication that informs the public of the availability of the
375 program. If a program does not have a placement rate, the
376 publication that lists or describes that program must state that
377 the rate is unavailable.

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378 3. If a school district or a Florida College System
379 institution has calculated for a program a placement rate that
380 differs from the rate reported by the department, and if each
381 record of a placement was obtained through a process that was
382 capable of being audited, procedurally sound, and consistent
383 statewide, the district or the Florida College System
384 institution may use the locally calculated placement rate in the
385 report required by this section. However, that rate may not be
386 combined with the rate maintained in the computer files of the
387 Department of Education's Florida Education and Training
388 Placement Information Program.
389 4. An independent career, trade, or business school may not
390 publish a placement rate unless the placement rate was
391 determined as provided by this section.
392 Section 12. Subsection (3) of section 1009.53, Florida
393 Statutes, is amended to read:
394 1009.53 Florida Bright Futures Scholarship Program.—
395 (3) The Department of Education shall administer the Bright
396 Futures Scholarship Program according to rules and procedures
397 established by the State Board of Education. A single
398 application must be sufficient for a student to apply for any of
399 the three types of awards. The department shall ~~must~~ advertise
400 the availability of the scholarship program and shall ~~must~~
401 notify students, teachers, parents, certified school ~~guidance~~
402 counselors, and principals or other relevant school
403 administrators of the criteria and application procedures. The
404 department must begin this process of notification no later than
405 January 1 of each year.
406 Section 13. Paragraph (b) of subsection (2) of section

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407 1012.01, Florida Statutes, is amended to read:
408 1012.01 Definitions.—As used in this chapter, the following
409 terms have the following meanings:
410 (2) INSTRUCTIONAL PERSONNEL.—"Instructional personnel"
411 means any K-12 staff member whose function includes the
412 provision of direct instructional services to students.
413 Instructional personnel also includes K-12 personnel whose
414 functions provide direct support in the learning process of
415 students. Included in the classification of instructional
416 personnel are the following K-12 personnel:
417 (b) *Student personnel services.*—Student personnel services
418 include staff members responsible for: advising students with
419 regard to their abilities and aptitudes, educational and
420 occupational opportunities, and personal and social adjustments;
421 providing placement services; performing educational
422 evaluations; and similar functions. Included in this
423 classification are certified school ~~guidance~~ counselors, social
424 workers, career specialists, and school psychologists. Certified
425 school counselors shall perform only the duties and functions as
426 provided by law and may not be used as support staff for
427 administrative duties, including, but not limited to,
428 coordinating, administering, or monitoring academic testing and
429 testing programs, working bus or cafeteria lines, or substitute
430 teaching.
431 Section 14. Subsection (1) of section 1012.71, Florida
432 Statutes, is amended to read:
433 1012.71 The Florida Teachers Lead Program.—
434 (1) For purposes of the Florida Teachers Lead Program, the
435 term "classroom teacher" means a certified teacher employed by a

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436 public school district or a public charter school in that
437 district on or before September 1 of each year whose full-time
438 or job-share responsibility is the classroom instruction of
439 students in prekindergarten through grade 12, including full-
440 time media specialists and certified school ~~guidance~~ counselors
441 serving students in prekindergarten through grade 12, who are
442 funded through the Florida Education Finance Program. A "job-
443 share" classroom teacher is one of two teachers whose combined
444 full-time equivalent employment for the same teaching assignment
445 equals one full-time classroom teacher.
446 Section 15. Paragraph (a) of subsection (3) of section
447 1012.98, Florida Statutes, is amended to read:
448 1012.98 School Community Professional Development Act.—
449 (3) The activities designed to implement this section must:
450 (a) Support and increase the success of educators through
451 collaboratively developed school improvement plans that focus
452 on:
453 1. Enhanced and differentiated instructional strategies to
454 engage students in a rigorous and relevant curriculum based on
455 state and local educational standards, goals, and initiatives;
456 2. Increased opportunities to provide meaningful
457 relationships between teachers and all students; and
458 3. Increased opportunities for professional collaboration
459 among and between teachers, certified school ~~guidance~~
460 counselors, instructional leaders, postsecondary educators
461 engaged in preservice training for new teachers, and the
462 workforce community.
463 Section 16. This act shall take effect July 1, 2013.

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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 158

INTRODUCER: Senator Hays

SUBJECT: Highway Safety

DATE: April 1, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McLaughlin	Klebacha	ED	**Favorable**
2.			TR	
3.			JU	
4.				
5.				
6.				

I. Summary:

SB 158 prohibits buses, other than school buses, from stopping in such a manner so as to impede, block, or otherwise restrict the progression of traffic on the main traveled portion of a roadway while the bus is loading or discharging passengers if another reasonable means is available to safely load or discharge passengers.

This bill provides an effective date of July 1, 2013.

This bill creates an undesignated section of law.

II. Present Situation:

There is no Florida law that prohibits public transit and other bus operators from stopping in the main traveled portion of a roadway to load or discharge passengers. Section 316.0815, F. S., requires that the driver of a vehicle yield the right-of-way to a publicly-owned transit bus traveling in the same direction when the bus has signaled and is reentering the traffic flow from a specifically designated pullout bay. This section of law does not relieve the driver of a public transit bus from the duty to drive with due regard for the safety of all persons using the roadway.

III. Effect of Proposed Changes:

Public transit and charter buses will violate Florida law if they stop in a roadway when a means to load or discharge passengers is available. For public transit buses this could result in increased

trip time.[1] School buses would be specifically exempted from the proposed prohibition against stopping in the main traveled portion of the roadway.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill could result in increased costs to private transits due to increased trip times.[2]

C. Government Sector Impact:

This bill could result in increased costs to public transits due to increased trip times.[3]

This bill would have no direct operational or fiscal impact on public school students or schools.[4]

VI. Technical Deficiencies:

The bill does not provide any penalties and may be difficult to enforce.[5]

VII. Related Issues:

None.

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[1] *2013 Legislative Bill Analysis for SB 158*, Florida Department of Highway Safety and Motor Vehicles, January 16, 2013.
[2] *Id.*
[3] *Id.*
[4] *2013 Legislative Bill Analysis for SB 158*, Office of Legislative Affairs, Florida Department of Education, January 10, 2013.
[5] *2013 Legislative Bill Analysis for SB 158*, Florida Department of Highway Safety and Motor Vehicles, January 16, 2013.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

By Senator Hays

11-00071-13 2013158__

A bill to be entitled

An act relating to highway safety; prohibiting stopping a bus in a manner that impedes traffic while the bus is loading or unloading passengers; providing an exception; providing an effective date.

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

Section 1. Notwithstanding any other law to the contrary, a bus, other than a school bus, may not be stopped in such a manner so as to impede, block, or otherwise restrict the progression of traffic on the main traveled portion of a roadway while the bus is loading or discharging passengers if another reasonable means is available to safely load or discharge passengers.

Section 2. This act shall take effect July 1, 2013.

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)

4/1/2013
Meeting Date

Topic: Loading/unloading passengers

Bill Number: SB 158 *(if applicable)*

Name: Lisa Bacot

Amendment Barcode: *(if applicable)*

Job Title: Executive Director

Address: PO Box 10168
Street

Tallahassee, FL 32302
City *State* *Zip*

Phone: 850-445-8309

E-mail: LisaBacot@floridatransit.org

Speaking: ☐ For ☐ Against ☒ Information

Representing: Florida Public Transportation Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/20/11)

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 226

INTRODUCER: Committee on Education and Senator Ring

SUBJECT: Disability Awareness

DATE: April 1, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	**Fav/CS**
2.			CF	
3.			AED	
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	x	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 226 changes current law to require, rather than authorize, district school boards to provide disability history and awareness instruction in all K-12 public schools beginning with the 2014-2015 school year. The instruction must be integrated into the existing school curriculum and be augmented by individuals who have a disability and are approved by the school or school district and meet existing background screening requirements.

The bill requires each public school in Florida to establish a disability history and awareness council and provides requirements for the council regarding membership, roles and responsibilities, and frequency of meetings each year.

The bill is effective upon becoming law.

This bill amends section 1003.4205 of the Florida Statutes.

II. Present Situation:

Disability History and Awareness

One in five (19% or approximately 54 million) people living in the United States have a disability. Five percent of children between the age of 5 and 17 have disabilities.[1]

The 2008, the Legislature authorized district school boards to designate the first two weeks in October as "Disability History and Awareness Weeks."[2] Each district school board may provide disability history and awareness instruction to students in kindergarten through grade 12. The instruction may be integrated into the existing school curriculum and the goals of the instruction must be to achieve better treatment for individuals with disabilities; encourage individuals with disabilities to develop increased self-esteem; and reaffirm the local, state, and federal commitment to the full inclusion in society of, and the equal opportunity for, all individuals with disabilities. Qualified school personnel or knowledgeable guest speakers may deliver disability history and awareness instruction.[3]

The Bureau of Exceptional Education & Student Services, within the Department of Education (DOE), created a resource guide to help school districts promote Disability History and Awareness Weeks.[4] The guide includes:[5]

- Promotional ideas to help schools promote disability history and awareness;
- Fliers recognizing the contributions of various individuals with disabilities;
- Disability etiquette documents;
- Documents concerning “people first” language;
- A guide to differentiated instruction;
- A copy of “A Legislative History of Florida’s Exceptional Student Education Program”; and

[1] United States Census Bureau, *Profile America Facts for Features: 20th Anniversary of American with Disabilities Act: July 26* (May 26, 2010 based on 2005 report), http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb10-ff13.html (March 15, 2013).
[2] Section 1, ch. 2008-156, L.O.F.; s. 1003.4205, F.S.
[3] Section 1003.4205, F.S. Nationally, disability advocates are mobilizing to create understanding and celebrate the history of individuals with disabilities. In 2006, West Virginia passed the first Disability History Week bill. Since 2006, twenty states, including Florida, have signed disability awareness-related laws. Additional states are considering similar legislation. Museum of disABILITY History, *Disability History Week: Legislation*, http://www.disabilityhistoryweek.org/legislations/ (last visited March 14, 2013).
[4] Bureau of Exceptional Education and Student Services, Department of Education, *Disability History and Awareness: A Resource Guide* (2010), *available at* http://www.fldoe.org/ese/pdf/DHA-Resource2010.pdf, at 1.
[5] Bureau of Exceptional Education and Student Services, Department of Education, *Disability History and Awareness: A Resource Guide* (2010), *available at* http://www.fldoe.org/ese/pdf/DHA-Resource2010.pdf, at 1-2.

- A list of websites that contain a variety of games, activities, and lesson plans that can be integrated into a curriculum for students.

Current law requires the Commissioner of Education to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education for instructional personnel.[6] Continuing education must include:[7]

- Early identification of, and intervention for, students who have autism spectrum disorder, Down syndrome, or other developmental disabilities;
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques;
- The use of available state and local resources;
- The use of positive behavioral supports to deescalate problem behaviors; and
- Appropriate use of manual physical restraint and seclusion techniques.

III. Effect of Proposed Changes:

CS/SB 226 changes current law to require, rather than authorize, district school boards to provide disability history and awareness instruction in all K-12 public schools beginning with the 2014-2015 school year. The bill will likely raise greater awareness about individuals with disabilities and promote the full inclusion of such individuals in our society.

The disability history and awareness instruction must be provided during the first two weeks in October. Beginning in the 2014-2015 school year, such instruction must be integrated into the existing school curriculum. Additionally, the bill requires that the instruction be augmented by presentations from individuals who:

- Have disabilities;
- Are approved as presenters by the school or school district; and
- Meet the background screening requirements regarding entering schools and interacting with children under current law.[8]

The bill requires each public school in Florida to establish a disability history and awareness council and provides the following requirements for the council:

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[6] Section 6, ch. 2010-224, L.O.F.., *codified at* s. 1012.582, F.S.
[7] Section 1012.582(1), F.S.
[8] Section 1012.465, F.S., relates to background screening for noninstructional school district employees and contractors who are permitted access on school grounds when students are present, who have direct contact with students, or who have access to or control of school funds. Such individuals must meet level 2 screening requirements as described in s. 1012.32, F.S.

- Membership of the council which must consist of 7 members including six teachers who are employed at each public school and one individual with a disability from the local community.

- Roles and responsibilities of the council which must include, but not be limited to:

  - Providing input to the public school regarding curriculum for disability history and awareness;

  - Assisting with locating individuals with disabilities to make presentations at schools; and

  - Submitting, by August 1, 2014, and each year thereafter, an annual report to the Superintendent of the school district in which the public school is located. The annual report must, at least, include recommendations and policy alternatives regarding the state of disability awareness at the public school.

- Frequency of council meetings which must, at least, be four times each year and more as needed.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Committee on Education on April 1, 2013:
The committee substitute differs from SB 226 in that the committee substitute:

- Removes requirement regarding DOE assisting with creating curriculum for the disability history and awareness instruction for use in each school district.
- Requires each public school in Florida to establish a disability history and awareness council and provides requirements for the council regarding membership, roles and responsibilities, and frequency of meetings each year.

B. Amendments:

None.

847706

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/01/2013	.	
	.	
	.	
	.	

The Committee on Education (Legg) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 61 - 97.
4
5 ========== T I T L E A M E N D M E N T ==========
6 And the title is amended as follows:
7 Delete lines 10 - 22
8 and insert:
9 and awareness instruction; providing an effective

109392

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2013	.	
	.	
	.	
	.	

The Committee on Education (Montford) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 35 - 37
4 and insert:
5 Awareness Weeks.”
6
7 ========== T I T L E A M E N D M E N T ==========
8 And the title is amended as follows:
9 Delete lines 5 - 8
10 and insert:
11 instruction in all K-12 public schools; providing for
12 individual presenters who

578376

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2013	.	
	.	
	.	
	.	

The Committee on Education (Montford) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 61 - 97
4 and insert:
5 (c)1. Each public school in the state shall establish a
6 disability history and awareness advisory council. The council
7 at each school shall consist of the following seven members:
8 a. Six teachers who are employed at the public school.
9 b. One individual from the local community who has a
10 disability.
11 2. The responsibilities of the council at each school shall
12 be, but are not limited to:
13 a. Providing to the public school input regarding the

578376

14 curriculum for disability history and awareness;
15 b. Assisting in locating individuals who have disabilities
16 to make presentations at schools; and
17 c. Submitting an annual report to the superintendent of the
18 school district in which the public school is located by August
19 1, 2014, and each year thereafter. The annual report must
20 include, but need not be limited to, recommendations and policy
21 alternatives regarding the state of disability awareness at the
22 public school.
23 3. The council at each school shall meet at least four
24 times a year and more often as needed.
25
26 ========== T I T L E A M E N D M E N T ==========
27 And the title is amended as follows:
28 Delete lines 10 - 23
29 and insert:
30 and awareness instruction; requiring each public
31 school to establish a disability history and awareness
32 advisory council; providing membership on the council
33 at each school; providing responsibilities of the
34 council at each school; providing meeting times for
35 the council at each school; providing an effective
36 date.

By Senator Ring

29-00087A-13 2013226__

A bill to be entitled

An act relating to disability awareness; amending s. 1003.4205, F.S.; requiring that each district school board provide disability history and awareness instruction in all K-12 public schools; requiring that the Department of Education assist in creating the curriculum for the disability history and awareness instruction; providing for individual presenters who have disabilities to augment the disability history and awareness instruction; creating the Disability History and Awareness Advisory Council within the Department of Education; providing for certain individuals to apply to the department for membership on the council; providing that the Commissioner of Education, the member of the Senate, and the member of the House of Representatives are ex officio, nonvoting members of the council; requiring that the department provide a liaison to assist the council; requiring that the department act as the fiscal agent for all financial transactions required by the council; providing responsibilities of the council; providing meeting times for the council; providing an effective date.

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

Section 1. Section 1003.4205, Florida Statutes, is amended to read:

1003.4205 Disability history and awareness instruction.—

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

29-00087A-13 2013226__

(1) Beginning with the 2014-2015 school year, each district school board shall ~~may~~ provide disability history and awareness instruction in all K-12 public schools in the district during the first 2 weeks in October each year. The district school board shall designate these 2 weeks as "Disability History and Awareness Weeks." The Department of Education shall assist in creating the curriculum for the disability history and awareness instruction that will be used in each school district.

(2)(a) During this 2-week period, students shall ~~may~~ be provided intensive instruction to expand their knowledge, understanding, and awareness of individuals who have ~~with~~ disabilities, the history of disability, and the disability rights movement. Disability history must ~~may~~ include the events and timelines of the development and evolution of services to, and the civil rights of, individuals who have ~~with~~ disabilities. Disability history must ~~may~~ also include the contributions of specific individuals who have ~~with~~ disabilities, including the contributions of acknowledged national leaders.

(b) Beginning with the 2014-2015 school year, the instruction shall ~~may~~ be integrated into the existing school curriculum in ways including, but not limited to, supplementing lesson plans, holding school assemblies, or providing other school-related activities. The instruction shall ~~may~~ be augmented by presentations from individuals who have disabilities, who have been approved by the school or school district as presenters, and who the school or school district has ensured meet appropriate background screening requirements of s. 1012.465 to enter schools and interact with children ~~delivered by qualified school personnel or by knowledgeable~~

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

59 ~~guest speakers, with a particular focus on including individuals~~
60 ~~with disabilities~~.
61 (c)1. There is created within the Department of Education
62 the Disability History and Awareness Advisory Council. The
63 council shall consist of the following 15 members:
64 a. The Commissioner of Education or his or her designee.
65 b. A member of the House of Representatives, appointed by
66 the Speaker of the House of Representatives, or his or her
67 designee.
68 c. A member of the Senate, appointed by the President of
69 the Senate, or his or her designee.
70 d. Six individuals who are younger than 30 years of age and
71 who must apply to the Department of Education to become members
72 of the council.
73 e. Six individuals who are 30 years of age or older and who
74 must apply to the Department of Education to become members of
75 the council.
76 2. The Commissioner of Education, the member of the Senate,
77 and the member of the House of Representatives, or their
78 designees, are ex officio, nonvoting members of the council.
79 3. The department shall provide a liaison to assist the
80 council in its operation. The department shall act as the fiscal
81 agent for all financial transactions required by the council.
82 4. The responsibilities of the council shall be, but are
83 not limited to:
84 a. Providing to the Department of Education input regarding
85 the curriculum for disability history and awareness;
86 b. Assisting, upon request, schools or school districts in
87 locating individuals who have disabilities to make presentations

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

88 at schools; and
89 c. Submitting an annual report to the Governor, the
90 President of the Senate, the Speaker of the House of
91 Representatives, and the superintendent of each school district
92 in this state by August 1, 2014, and each year thereafter. The
93 annual report must include, but is not limited to,
94 recommendations and policy alternatives regarding the state of
95 disability awareness in this state.
96 5. The council shall meet at least four times a year and
97 more often as needed.
98 (3) The goals of disability history and awareness
99 instruction include:
100 (a) Better treatment for individuals who have ~~with~~
101 disabilities, especially for youth in school, and increased
102 attention to preventing the bullying or harassment of students
103 who have ~~with~~ disabilities.
104 (b) Encouragement to individuals who have ~~with~~ disabilities
105 to develop increased self-esteem, resulting in more individuals
106 who have ~~with~~ disabilities gaining pride in being an individual
107 with a disability, obtaining postsecondary education, entering
108 the workforce, and contributing to their communities.
109 (c) Reaffirmation of the local, state, and federal
110 commitment to the full inclusion in society of, and the equal
111 opportunity for, all individuals who have ~~with~~ disabilities.
112 Section 2. This act shall take effect upon becoming a law.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 862

INTRODUCER: Senator Stargel

SUBJECT: Parent Empowerment in Education

DATE: March 29, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	**Favorable**
2.			AED	
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 862 allows parents, through a petition process, to participate in the determination of a school turnaround option when a school is subject to intervention on the basis of poor academic performance. School districts are required to notify parents that they may select and submit to the district school board a school turnaround option when student performance in a school has failed to improve. In cases where a district school board fails to adopt a petition selection, the school board must submit the petition option, along with its own, to the State Board of Education for final determination.

The State Board of Education would be required to adopt rules regarding the petition process, including making available a model petition format and addressing petition signature-gathering, verification, and submission of petitions to the district school board.

Under the bill, school districts are required to notify parents if the classroom teachers assigned to their children have received poor performance ratings or if they are receiving classroom instruction from an out-of-field teacher. Upon request, parents would also receive performance evaluations of any classroom teacher and school administrator involved in their child's education.

This bill requires districts to inform parents that virtual instruction is available from an "effective" or "highly effective" teacher for a student assigned to a classroom teacher who:

- Is teaching out-of-field; or
- Has received two consecutive annual performance evaluation ratings of "unsatisfactory", two annual performance evaluation ratings of "unsatisfactory" within a 3-year period, or

three consecutive annual performance evaluation ratings of "needs improvement" or a combination of "needs improvement" and "unsatisfactory".

The provisions relating to parental notification with respect to out-of-field classroom teachers and performance evaluations would apply to charter schools.

The effective date of the bill is July 1, 2013.

This bill substantially amends 1001.10, 1002.20, 1002.32, 1008.33, 1012.2315, creates section 1003.07, and repeals section 1012.42 of the Florida Statutes.

II. Present Situation:

School Improvement and Intervention

In 2012, the Legislature revised Florida's school accountability system to comply with the federal Elementary and Secondary Education Act (ESEA),[1] its implementing regulations, and the ESEA flexibility waiver approved for Florida by the U.S. Secretary of Education.[2]

Current state law requires the State Board of Education (SBE) to hold all school districts and public schools accountable for student performance.[3] Additionally, the SBE is responsible for a state system of school improvement and education accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, and institutes appropriate measures for enforcing improvement. The SBE must also equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students based upon the provisions of the Florida K-20 Education Code.[4]

Schools earning a school grade of "D" or "F" are schools in need of intervention and support.[5] The state board must apply the most intense intervention and support strategies to schools earning an "F".[6] In the first full school year after a school initially earns a grade of "F", the school district must meet three requirements: implement intervention and support strategies; select a turn-around option; and submit an implementation plan to the Department of Education (DOE) for State Board approval.[7]

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[1] 20 U.S.C. ss. 6301 et seq.

[2] Florida requested and was granted a waiver from the U.S. Department of Education of 11 specific federal school accountability provisions. See *Florida's Approved Flexibility Request,* January 31, 2012, *See* http://www2.ed.gov/policy/eseaflex/approved-requests/fl.pdf.

[3] s. 1008.33(2)(a), F.S.

[4] s. 1008.33(3)(a), F.S.

[5] s. 1008.33(3)(b), F.S. Pursuant to s. 1008.33(3)(b), F.S., the DOE must annually identify each public school in need of intervention and support.

[6] s.1008.33(4)(a), F.S.

[7] *Id.*

A school district may select one of five turnaround options:[8]

1. Convert the school to a district-managed turnaround school;
2. Reassign students to another school and monitor the progress of each reassigned student;
3. Close the school and reopen it as one or more charter schools, each with a governing board with a demonstrated record of effectiveness;
4. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school; or
5. Implement a hybrid of turnaround options or other models that have a demonstrated record of excellence.

A school earning a grade of "F" has one planning year followed by two full school years to implement the approved turnaround option.[9] Implementation of the turnaround option is no longer required if the school improves by at least one letter grade.[10] However, the school must continue to implement the strategies identified in its school improvement plan and the DOE must annually review the school's implementation of the plan for three years.[11]

Assignment of Classroom Teachers and Performance Evaluations

In 2009, the Florida Legislature enacted legislation to address the quality of teachers assigned to the lowest performing schools.[12] School districts may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to these schools.[13] The law requires each district school board to notify the parents of students who are assigned to an out-of-field teacher.[14]

Each district school board must adopt a plan to assist teachers who are teaching out-of-field.[15] These teachers must be afforded priority consideration in professional development activities. Additionally, districts must require the teachers to participate in a certification or a staff development program that improves their performance.[16]

Florida's current educator evaluation system differentiates among four levels: highly effective; effective; needs improvement or, for instructional personnel in the first three years of employment who need improvement, developing;[17] and unsatisfactory.[18] Current law requires the DOE to annually publish online performance rating data, to constitute the percentage of

[8] s. 1008.33(4)(b), F.S. Section 1008.33(5), F.S., specifies the options that may be used by other schools that meet statutory criteria.
[9] s. 1008.33(4)(c), F.S.
[10] *Id.*
[11] s. 1008.33(4)(d), F.S.
[12] Chapter 2009-144, L.O.F., codified in section 1012.2315, F.S.
[13] *Id.*
[14] Section 1012.42(1) and (2), F.S. This reporting requirement applies to teachers who are teaching subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise.
[15] s. 1012.42(1), F.S.
[16] *Id.*
[17] s. 1012.34(3)(a), F.S., requires newly hired teachers to be evaluated at least twice in the first year of teaching.
[18] s. 1012.34(2)(e), F.S.

classroom teachers, instructional personnel and school administrators receiving each performance rating aggregated by district and school.[19]

Each district must annually report to the parent of a student who is assigned to a classroom teacher or school administrator with two consecutive "unsatisfactory" evaluations, two "unsatisfactory" evaluations within a 3-year period, or three consecutive "needs improvement" evaluations, or a combination of "unsatisfactory" and "needs improvement" evaluations.[20]

III. Effect of Proposed Changes:

Petitions

The bill enables parents, by petition, to request that the school district implement a parent-selected turnaround option when a school is subject to intervention on the basis of poor academic performance. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents of eligible students (indicating greater than one-half of eligible parents approve the plan). An eligible student is a student who actually enrolled in the school or a student who will be assigned to the school in the following year.

A school district would be required to notify, in writing, parents of eligible students when a school has failed to improve performance, and that they have the option, through a petition, to submit a turnaround choice, with notification to include:

- Identification of each school turnaround option;
- A description of the process for implementing school turnaround options;
- The date and location for submission of the petition;
- The date and location of the required public school board meeting; and
- School district contact information.

Only one parent per eligible student may sign the petition. If a child's other parent submits a written objection to the petition, the signing parent's signature counts as one-half.

Under the bill, signature solicitors would be prohibited from offering monetary compensation or other reward to a parent. Solicitors would also be prohibited from being paid by the signature and would have to reveal any affiliated organizations upon request. For-profit corporations and businesses would be prohibited from either gathering signatures or paying others to do so.

A petition may propose one turnaround option; however, multiple petitions each proposing different options may be circulated. If valid petitions for more than one option are submitted, the petition having the most signatures is the official turnaround option selected by parents.

The school board must verify at least a majority of signatures on the petition using existing student enrollment documentation or other records containing parent signatures.

[19] s. 1012.2315(5)(a), F.S.
[20] s. 1012.2315(5)(b), F.S.

District School Board Review
The district school board may adopt the parent-selected turnaround option or a different option selected by the school board. Although the parent-selected option is nonbinding on the district school board, the school board must include that option with the implementation plan submitted to the State Board of Education. If the SBE determines that the turnaround option selected by parents is more likely to improve the academic performance of students at the school, the school board would submit a plan to implement the parent-selected option.

Classroom Teachers
The bill provides that a school district, at the request of a parent of a public school student, must provide the parent with a performance evaluation for each classroom teacher assigned to his or her child or school administrator, pursuant to s. 1012.31, F.S., which already provides that public school employee files are public records. However, current law also makes confidential and exempt employee evaluations until the end of the school year immediately following the school year covered in the evaluation.[21]

The notification provided to a parent of a student who is assigned to an out-of-field teacher would also inform him or her of the availability of a virtual teacher who received an annual performance evaluation rating of "effective" or "highly effective". Additionally, school districts would be permitted to reimburse a classroom teacher for certification fees incurred when he or she is assigned to teach out-of-field.

The bill adds provisions prohibiting the assignment of a student in consecutive school years to a classroom teacher of the same subject who receives an evaluation of "unsatisfactory" or "needs improvement".

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[21] s. 1012.31(3)(a)2., F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The costs, if any, are indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/01/2013	.	
	.	
	.	
	.	

The Committee on Education (Stargel) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete everything after the enacting clause
4 and insert:
5 Section 1. Paragraph (d) is added to subsection (21) of
6 section 1002.20, Florida Statutes, to read:
7 1002.20 K-12 student and parent rights.—Parents of public
8 school students must receive accurate and timely information
9 regarding their child’s academic progress and must be informed
10 of ways they can help their child to succeed in school. K-12
11 students and their parents are afforded numerous statutory
12 rights including, but not limited to, the following:
13 (21) PARENTAL INPUT AND MEETINGS.—

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14 (d) *Parent empowerment*.—Parents of eligible students who
15 are assigned to a public school that has earned a grade of "F"
16 and that is required to select a turnaround option pursuant to
17 s. 1008.33 may submit a petition to the school district
18 requesting implementation of a particular turnaround option
19 pursuant to s. 1003.07.
20 Section 2. Section 1003.07, Florida Statutes, is created to
21 read:
22 1003.07 Parent empowerment.—
23 (1) This section may be cited as the "Parent Empowerment
24 Act."
25 (2) As used in this section, the term:
26 (a) "Eligible student" means a student enrolled in a school
27 in which a turnaround option will be selected or a student who,
28 under the school district's enrollment policy, is scheduled for
29 assignment to that school the following school year.
30 (b) "Parental vote" means the signature of one parent of an
31 eligible student.
32 1. If the other parent objects in writing to the parental
33 vote before the date the petition is scheduled to be submitted,
34 and if the parents have equal parental rights, each parental
35 vote counts for one-half of a vote.
36 2. If one parent has sole parental responsibility or holds
37 the right to make educational decisions for the student pursuant
38 to s. 61.13, only that parent can vote regarding the eligible
39 student.
40 (3) Each school district shall notify, in writing, the
41 parents of eligible students and the school advisory council
42 when a public school has earned a grade of "F" and is required

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43 to select a turnaround option pursuant to s. 1008.33. The
44 written notice must inform parents that, before the district
45 school board selects a turnaround option, parents may petition
46 for implementation of a particular turnaround option by the
47 school the following school year. The notice must be provided to
48 parents within 30 calendar days after the school district
49 receives notice from the department that the school is required
50 to implement a turnaround option. The notice must include:
51 (a) A description of each turnaround option available for
52 selection under s. 1008.33.
53 (b) A description of the process for implementing a
54 turnaround option, including the date by which the school
55 district must submit its implementation plan to the State Board
56 of Education.
57 (c) The date and location for submission of the petition.
58 (d) The date and location of the publicly noticed district
59 school board meeting required under subsection (7) at which the
60 school board will consider the available turnaround options.
61 (e) The contact information of the district school board.
62 (4) A person who solicits signatures may not offer monetary
63 compensation, a promise of employment, or any other reward to a
64 parent for signing a petition. A person who solicits signatures
65 may not be paid per signature and, if asked, must disclose the
66 organization he or she represents. A for-profit education
67 management organization is prohibited from gathering signatures
68 or paying others to solicit signatures.
69 (5) The State Board of Education shall adopt rules to
70 establish a petition format, the petition submission process,
71 standards for verifying signatures, a denominator for

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72 calculating the percentage of parental votes of eligible
73 students, and timeframes for the verification and consideration
74 of a petition at a publicly noticed meeting. Petition forms must
75 be easily accessible to parents. Each petition form must clearly
76 identify only one turnaround option on the front page of the
77 petition and on each page thereafter. The school district shall
78 provide clear instructions and a sample petition form for each
79 turnaround option available for selection under s. 1008.33.
80 (6) The petition process must provide that:
81 (a) Parents of eligible students have at least 30 days
82 after initial notification to gather petition signatures.
83 (b) The school district shall verify signatures no more
84 than 30 days after the date the petition is submitted.
85 (c) The district school board may not meet on the subject
86 sooner than 30 days after the petition is submitted.
87 (d) A submitted petition may list only one turnaround
88 option identified in s. 1008.33 which is not currently being
89 implemented at the school. A parent may sign more than one
90 petition for a turnaround option.
91 (e) A school district may not reject a parent’s signature
92 on a petition on the basis that the parent signed the petition
93 before the initial notice.
94 (f) The school district shall verify at least a majority of
95 the signatures on the petition using existing student enrollment
96 documentation or other records containing parent signatures. A
97 school district may not reject a parent’s signature on a
98 petition based on a lack of conformity to signatures in school
99 records if the parent’s identity and signature can be easily
100 validated with a photographic identification or a notarized

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101 signature verifying the identity of the signer, or by the
102 personal knowledge of a school employee. The school district is
103 not required to verify notarized signatures, and signatures not
104 verified within the established verification period are valid.
105 (g) For a petition to be valid, it must bear the dated
106 signatures of a majority of the parental votes of eligible
107 students. For purposes of this section, a majority is more than
108 one-half of the parental votes of eligible students. Only one
109 parental vote per eligible student may be counted with respect
110 to each petition.
111 (h) If valid petitions for more than one turnaround option
112 are submitted, the petition having the most signatures is the
113 official turnaround option selected by parents.
114 (7) The turnaround option selected by parents must be
115 considered for implementation by the school district at a
116 publicly noticed district school board meeting. The district
117 school board must adopt the turnaround option selected by
118 parents unless the district school board votes to reject the
119 parent option at the school board meeting based solely on the
120 criterion that the parent-selected option would not lead to
121 improved academic performance of students. The school district
122 must submit to the department for approval by the State Board of
123 Education an implementation plan for the selected turnaround
124 option pursuant to s. 1008.33.
125 (8) If the school improves by at least one letter grade,
126 implementation of a turnaround option is no longer required in
127 accordance with s. 1008.33(4)(d).
128 (9) In addition to the petition rules described in
129 subsection (5), the State Board of Education shall adopt rules

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130 pursuant to ss. 120.536(1) and 120.54 to administer this
131 section.
132 Section 3. Paragraphs (c) through (e) of subsection (4) of
133 section 1008.33, Florida Statutes, are redesignated as
134 paragraphs (d) through (f), respectively, and a new paragraph
135 (c) is added to that subsection, to read:
136 1008.33 Authority to enforce public school improvement.—
137 (4)
138 (c) Parents of students who are assigned to a public school
139 that is required by the State Board of Education to select a
140 turnaround option may petition the school district to implement
141 one of the turnaround options in paragraph (b) selected by the
142 parents pursuant to s. 1003.07.
143 Section 4. Subsection (6) is added to section 1012.2315,
144 Florida Statutes, to read:
145 1012.2315 Assignment of teachers.—
146 (6) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
147 EVALUATIONS.—
148 (a) If a high school or middle school student who is
149 currently taught by a classroom teacher who, during that school
150 year, receives a performance evaluation rating of “needs
151 improvement” or “unsatisfactory” under s. 1012.34, the student
152 may not be assigned the following school year to a classroom
153 teacher in the same subject area who received a performance
154 evaluation rating of “needs improvement” or “unsatisfactory” in
155 the preceding school year.
156 (b) If an elementary school student is currently taught by
157 a classroom teacher who, during that school year, receives a
158 performance evaluation rating of “needs improvement” or

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159 "unsatisfactory" under s. 1012.34, the student may not be
160 assigned the following school year to a classroom teacher who
161 received a performance evaluation rating of "needs improvement"
162 or "unsatisfactory" in the preceding school year.
163 Section 5. This act shall take effect July 1, 2013.
164
165 ========== T I T L E A M E N D M E N T ==========
166 And the title is amended as follows:
167 Delete everything before the enacting clause
168 and insert:
169 A bill to be entitled
170 An act relating to parent empowerment in education;
171 amending s. 1002.20, F.S.; providing that parents who
172 have a student in a public school that is implementing
173 a turnaround option may petition to have a particular
174 turnaround option implemented; creating s. 1003.07,
175 F.S.; creating the Parent Empowerment Act; specifying
176 what constitutes an eligible student and a parental
177 vote; authorizing up to one parental vote per eligible
178 student; requiring that a school district send a
179 written notice to parents of public school students
180 regarding the parents' options to petition the school
181 board for a particular turnaround option; requiring
182 the notice to include certain information; prohibiting
183 a person from being paid for signatures; prohibiting a
184 for-profit education management organization from
185 soliciting signatures or paying a person to solicit
186 signatures; requiring the State Board of Education to
187 adopt rules for filing a petition; establishing the

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188 process to solicit signatures for a petition;
189 establishing criteria to verify the signatures on a
190 petition; specifying that a petition is valid if it is
191 signed and dated by a majority of the parents of
192 eligible students and those signatures are verified;
193 requiring the school district to consider the
194 turnaround option on the valid petition with the most
195 signatures at a publicly noticed school board meeting;
196 requiring the school district to submit an
197 implementation plan to the Department of Education for
198 approval by the State Board of Education; providing
199 that implementation of a turnaround option is no
200 longer required if a school improves by at least one
201 letter grade; providing for the adoption of rules;
202 amending s. 1008.33, F.S.; authorizing a parent to
203 petition the school district to implement a turnaround
204 option selected by the parent; amending s. 1012.2315,
205 F.S.; providing that a student may not be assigned to
206 an unsatisfactory teacher, particularly in a single
207 subject if the student is in high school or middle
208 school, for two consecutive school years; providing an
209 effective date.

By Senator Stargel

A bill to be entitled

An act relating to parent empowerment in education; amending s. 1001.10, F.S.; conforming a cross-reference; amending s. 1002.20, F.S.; providing that parents who have a student in a public school that is implementing a turnaround option may petition to have a particular turnaround option implemented; requiring the school district to give parents of public school students, upon request, a performance evaluation for each classroom teacher assigned to their child; requiring the school district to notify parents of a public school student being taught by an out-of-field teacher or by a teacher with an unsatisfactory performance rating; specifying requirements for the notice; amending s. 1002.32, F.S.; conforming a cross-reference; amending s. 1002.33, F.S.; requiring a charter school to comply with certain procedures for the assignment of teachers; creating s. 1003.07, F.S.; creating the Parent Empowerment Act; specifying what constitutes an eligible student and a parental vote; requiring that a school district send a written notice to parents of public school students regarding the parents' options to petition the school for a particular turnaround option; requiring the notice to include certain information; authorizing up to one parental vote per eligible student; establishing the process to solicit signatures for a petition; prohibiting a person from being paid for signatures; prohibiting a for-profit corporation, business, or

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entity from soliciting signatures or paying a person to solicit signatures; establishing criteria to verify the signatures on a petition; requiring the State Board of Education to adopt rules for filing a petition; specifying that a petition is valid if it is signed and dated by a majority of the parents of eligible students and those signatures are verified; requiring the school district to consider the turnaround option on the valid petition with the most signatures at a publicly noticed school board meeting; requiring the school district to submit an implementation plan to the state board; amending s. 1008.33, F.S.; authorizing a parent to petition the school district to implement a turnaround option selected by the parent; amending s. 1012.2315, F.S.; providing for assistance to teachers teaching out-of-field; requiring the school district to notify parents and inform them of their options if a student is being taught by an out-of-field teacher; requiring the school district to give to a parent a teacher's performance evaluation upon request; providing that a student may not be assigned to an unsatisfactory teacher in a single subject for two consecutive school years; repealing s. 1012.42, F.S., relating to teachers who are teaching out-of-field; providing an effective date.

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

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59 Section 1. Subsection (3) of section 1001.10, Florida
60 Statutes, is amended to read:
61 1001.10 Commissioner of Education; general powers and
62 duties.—
63 (3) To facilitate innovative practices and ~~to allow~~ local
64 selection of educational methods, the State Board of Education
65 may authorize the commissioner to waive, upon the request of a
66 district school board, rules of the State Board of Education
67 relating ~~rules that relate~~ to ~~district~~ school instruction and
68 ~~school~~ operations, except those rules pertaining to civil
69 rights, and student health, safety, and welfare. The
70 commissioner ~~of Education~~ is not authorized to grant waivers for
71 any provisions in rule pertaining to the allocation and
72 appropriation of state and local funds for public education; the
73 election, compensation, and organization of school board members
74 and superintendents; graduation and state accountability
75 standards; financial reporting requirements; reporting of out-
76 of-field teaching assignments under s. 1012.2315 ~~s. 1012.42~~;
77 public meetings; public records; or due process hearings
78 governed by chapter 120. No later than January 1 of each year,
79 the commissioner shall report to the Legislature and the State
80 Board of Education all approved waiver requests in the preceding
81 year.
82 Section 2. Paragraph (d) is added to subsection (21) of
83 section 1002.20, Florida Statutes, and subsections (25) and (26)
84 are added to that section, to read:
85 1002.20 K-12 student and parent rights.—Parents of public
86 school students must receive accurate and timely information
87 regarding their child's academic progress and must be informed

88 of ways they can help their child to succeed in school. K-12
89 students and their parents are afforded numerous statutory
90 rights including, but not limited to, the following:
91 (21) PARENTAL INPUT AND MEETINGS.—
92 (d) *Parent empowerment*.—Parents of students who are
93 assigned to a public school that is required to implement a
94 turnaround option pursuant to s. 1008.33 may submit a petition
95 to the school district requesting implementation of a turnaround
96 option pursuant to s. 1003.07.
97 (25) PERSONNEL EVALUATION REPORTS.—Upon request by the
98 parent of a public school student, the school district shall
99 provide the parent with a performance evaluation for each
100 classroom teacher assigned to his or her child.
101 (26) ASSIGNMENT TO TEACHERS.—
102 (a) *Out-of-field classroom teachers*.—Each school district
103 shall annually notify the parent of a public school student who
104 is assigned to a classroom teacher teaching out-of-field. The
105 notice must inform the parent that virtual instruction from a
106 certified in-field teacher having an annual performance
107 evaluation rating of "effective" or "highly effective" is
108 available pursuant to s. 1012.2315(5).
109 (b) *Underperforming classroom teachers*.—Each school
110 district shall annually notify the parent of a public school
111 student assigned to a classroom teacher or school administrator
112 who, under s. 1012.34, has two consecutive annual performance
113 evaluation ratings of "unsatisfactory," two annual performance
114 evaluation ratings of "unsatisfactory within a 3-year period,"
115 or three consecutive annual performance evaluation ratings of
116 "needs improvement" or a combination of "needs improvement" and

117 "unsatisfactory." The notice must inform the parent that virtual
118 instruction from a teacher who has an annual performance
119 evaluation rating of "effective" or "highly effective" is
120 available pursuant to s. 1012.2315(7).
121 Section 3. Paragraph (c) of subsection (7) of section
122 1002.32, Florida Statutes, is amended to read:
123 1002.32 Developmental research (laboratory) schools.—
124 (7) PERSONNEL.—
125 (c) Lab school faculty members shall meet the certification
126 requirements of s. 1012.32 ~~ss. 1012.32 and 1012.42~~.
127 Section 4. Paragraph (b) of subsection (16) of section
128 1002.33, Florida Statutes, is amended to read:
129 1002.33 Charter schools.—
130 (16) EXEMPTION FROM STATUTES.—
131 (b) Additionally, a charter school shall comply ~~be in~~
132 ~~compliance~~ with the following statutes:
133 1. Section 286.011, relating to public meetings and
134 records, public inspection, and criminal and civil penalties.
135 2. Chapter 119, relating to public records.
136 3. Section 1003.03, relating to the maximum class size,
137 except that the calculation for compliance pursuant to s.
138 1003.03 must ~~shall~~ be the average at the school level.
139 4. Section 1012.22(1)(c), relating to compensation and
140 salary schedules.
141 5. Section 1012.33(5), relating to workforce reductions.
142 6. Section 1012.335, relating to contracts with
143 instructional personnel hired on or after July 1, 2011.
144 7. Section 1012.34, relating to the substantive
145 requirements for performance evaluations for instructional

146 personnel and school administrators.
147 8. Section 1012.2315(5) and (7), relating to the assignment
148 of teachers and notification to parents.
149 Section 5. Section 1003.07, Florida Statutes, is created to
150 read:
151 1003.07 Parent empowerment.—
152 (1) This section may be cited as the "Parent Empowerment
153 Act."
154 (2) As used in this section, the term:
155 (a) "Eligible student" means a student enrolled in a school
156 in which a turnaround option will be implemented or a student
157 who, under the school district's enrollment policy, is scheduled
158 for assignment to that school the following school year. A
159 student who is graduating or being promoted out of a school that
160 is eligible for a turnaround option and who will not be enrolled
161 in that school the following school year is not an eligible
162 student.
163 (b) "Parental vote" means the signature of one parent of an
164 eligible student.
165 1. If the other parent objects in writing to the parental
166 vote before the date the petition is scheduled to be submitted,
167 and if the parents have equal parental rights, the parental vote
168 counts for one-half of a vote.
169 2. If one parent has sole parental responsibility or holds
170 the right to make educational decisions for the student pursuant
171 to s. 61.13, only that parent can vote regarding the eligible
172 student.
173 (3) Each school district shall notify, in writing, the
174 parents of eligible students and the school advisory council

175 when a public school has been unable to improve performance and
176 is required to implement a turnaround option pursuant to s.
177 1008.33. The written notice must inform parents that, before the
178 district school board selects a turnaround option, parents may
179 petition for implementation of a particular turnaround option by
180 the school the following school year. The notice must be
181 provided to parents within 30 calendar days after the school
182 district receives notice from the department that the school is
183 required to implement a turnaround option. The notice must
184 include:
185 (a) A description of each turnaround option available for
186 selection under s. 1008.33;
187 (b) A description of the process for implementing a
188 turnaround option, including the date by which the school
189 district must submit its implementation plan to the State Board
190 of Education;
191 (c) The date and location for submission of the petition;
192 (d) The date and location of the publicly noticed district
193 school board meeting required in this section at which the
194 school board will consider the available turnaround options; and
195 (e) The contact information of the district school board.
196 (4) A person who solicits signatures may not offer monetary
197 compensation, a promise of employment, or any other reward to a
198 parent for signing a petition. A person who solicits signatures
199 may not be paid per signature and, if asked, must disclose the
200 organization he or she represents. A for-profit corporation,
201 business, or entity is prohibited from gathering signatures or
202 paying others to solicit signatures.
203 (5) The State Board of Education shall adopt rules to

204 establish a petition format, the petition submission process,
205 standards for verifying signatures, and timeframes for the
206 verification and consideration of a petition at a publicly
207 noticed meeting. Petition forms must be easily accessible to
208 parents. Each petition form must clearly identify only one
209 turnaround option on the front page of the petition and on each
210 page thereafter. The school district shall provide clear
211 instructions and a sample petition form for each turnaround
212 option available for selection under s. 1008.33.
213 (6) The petition process must provide that:
214 (a) Parents of eligible students have at least 30 days
215 after initial notification to gather petition signatures.
216 (b) The school district shall verify signatures no more
217 than 30 days after the date the petition is submitted.
218 (c) The district school board may not meet sooner than 30
219 days after the petition is submitted.
220 (d) A submitted petition may list only one turnaround
221 option identified in s. 1008.33 which is not currently being
222 implemented at the school. A parent may sign more than one
223 petition for a turnaround option.
224 (e) A parent signature constitutes a certification that the
225 parent has a present intention to enroll his or her child, who
226 must be identified on the petition, if the turnaround option
227 identified on the petition is selected. A school district may
228 not reject a parent's signature on a petition on the basis that
229 the parent signed the petition before the initial notice.
230 (f) The school district shall verify at least a majority of
231 the signatures on the petition using existing student enrollment
232 documentation or other records containing parent signatures. A

233 school district may not reject a parent's signature on a
234 petition based on a lack of conformity to signatures in school
235 records if the parent's identity and signature can be easily
236 validated with a photographic identification or a notarized
237 signature verifying the identity of the signer, or by the
238 personal knowledge of a school employee. The school district is
239 not required to verify notarized signatures, and signatures
240 verified outside an established verification period are valid.
241 (g) For a petition to be valid, it must bear the dated
242 signatures of a majority of the parents of eligible students.
243 For purposes of this section, a majority is more than one-half
244 of the parents who are eligible to sign the petition. Only one
245 parental vote per eligible student may be counted with respect
246 to each petition.
247 (h) If valid petitions for more than one turnaround option
248 are submitted, the petition having the most signatures is the
249 official turnaround option selected by parents.
250 (7) The turnaround option selected by parents must be
251 considered for implementation by the school district at a
252 publicly noticed district school board meeting. The district
253 school board may adopt the turnaround option selected by parents
254 or a different turnaround option selected by the district school
255 board. Pursuant to s. 1008.33, an implementation plan for the
256 adopted turnaround option must be submitted to the state board.
257 (a) If the district school board adopts a turnaround option
258 that is different from the turnaround option selected by
259 parents, it shall identify with its submission the turnaround
260 option selected by parents.
261 (b) If the state board determines that the turnaround

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262 option selected by parents is more likely to improve the
263 academic performance of students at the school, the district
264 school board shall submit to the state board an implementation
265 plan for the turnaround option selected by parents.
266 Section 6. Subsection (4) of section 1008.33, Florida
267 Statutes, is amended to read:
268 1008.33 Authority to enforce public school improvement.—
269 (4)(a) The state board shall apply the most intense
270 intervention and support strategies to schools earning a grade
271 of "F." In the first full school year after a school initially
272 earns a grade of "F," the school district must implement
273 intervention and support strategies prescribed in rule under
274 paragraph (3)(c), select a turnaround option from those provided
275 in subparagraphs (b)1.-5., and submit a plan for implementing
276 the turnaround option to the department for approval by the
277 state board. Upon approval by the state board, the turnaround
278 option must be implemented in the following school year.
279 (b) Except as provided in subsection (5), the turnaround
280 options available to a school district to address a school that
281 earns a grade of "F" are:
282 1. Convert the school to a district-managed turnaround
283 school;
284 2. Reassign students to another school and monitor the
285 progress of each reassigned student;
286 3. Close the school and reopen the school as one or more
287 charter schools, each with a governing board that has a
288 demonstrated record of effectiveness;
289 4. Contract with an outside entity that has a demonstrated
290 record of effectiveness to operate the school; or

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291 5. Implement a hybrid of turnaround options set forth in
292 subparagraphs 1.-4. or other turnaround models that have a
293 demonstrated record of effectiveness.
294 (c) Parents of students who are assigned to a public school
295 that is required by the State Board of Education to implement a
296 turnaround option may petition the school district to implement
297 one of the turnaround options in paragraph (b) selected by the
298 parents pursuant to s. 1003.07.
299 (d) ~~(c)~~ Except for schools required to implement a
300 turnaround option pursuant to subsection (5), a school earning a
301 grade of "F" shall have a planning year followed by 2 full
302 school years to implement the initial turnaround option selected
303 by the school district and approved by the state board.
304 Implementation of the turnaround option is no longer required if
305 the school improves by at least one letter grade.
306 (e) ~~(d)~~ A school earning a grade of "F" that improves its
307 letter grade must continue to implement strategies identified in
308 its school improvement plan pursuant to s. 1001.42(18)(a). The
309 department must annually review implementation of the school
310 improvement plan for 3 years to monitor the school's continued
311 improvement.
312 (f) ~~(e)~~ If a school earning a grade of "F" does not improve
313 by at least one letter grade after 2 full school years of
314 implementing the turnaround option selected by the school
315 district under paragraph (b), the school district must select a
316 different option and submit another implementation plan to the
317 department for approval by the state board. Implementation of
318 the approved plan must begin the school year following the
319 implementation period of the existing turnaround option, unless

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320 the state board determines that the school is likely to improve
321 a letter grade if additional time is provided to implement the
322 existing turnaround option.
323 Section 7. Section 1012.2315, Florida Statutes, is amended
324 to read:
325 1012.2315 Assignment of teachers.—
326 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
327 disparities between teachers assigned to teach in a majority of
328 schools that do not need improvement and schools that do need
329 improvement pursuant to s. 1008.33. The disparities may be found
330 in the assignment of temporarily certified teachers, teachers in
331 need of improvement, and out-of-field teachers and in the
332 performance of the students. It is the intent of the Legislature
333 that district school boards have flexibility through the
334 collective bargaining process to assign teachers more equitably
335 across the schools in the district.
336 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—School
337 districts may not assign a higher percentage than the school
338 district average of temporarily certified teachers, teachers in
339 need of improvement, or out-of-field teachers to schools graded
340 "D" or "F" pursuant to s. 1008.34. Each school district shall
341 annually certify to the commissioner ~~of Education~~ that this
342 requirement has been met. If the commissioner determines that a
343 school district is not in compliance with this subsection, the
344 State Board of Education must ~~shall~~ be notified and shall take
345 action pursuant to s. 1008.32 in the next regularly scheduled
346 meeting to require compliance.
347 (3) SALARY INCENTIVES.—District school boards may ~~are~~
348 ~~authorized to~~ provide salary incentives to meet the requirement

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349 of subsection (2). A district school board may not sign a
350 collective bargaining agreement that precludes the school
351 district from providing sufficient incentives to meet this
352 requirement.
353 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of
354 chapter 447 relating to district school board collective
355 bargaining, collective bargaining provisions may not preclude a
356 school district from providing incentives to high-quality
357 teachers and assigning such teachers to low-performing schools.
358 (5) ASSISTANCE TO OUT-OF-FIELD TEACHERS.—
359 (a) Each district school board shall adopt rules for
360 administering an assistance plan for each classroom teacher who
361 is teaching out-of-field. The assistance plan must provide
362 teachers who are teaching out-of-field with priority
363 consideration in professional development activities and require
364 such teachers to participate in a certification or staff
365 development program that provides the competencies required for
366 the assigned duties. A school district may reimburse a teacher
367 who is teaching out-of-field for a certification fee. The
368 assistance plan must also include duties of administrative
369 personnel and other instructional personnel for assisting a
370 teacher who is teaching out-of-field.
371 (b) The school district shall annually notify the parent of
372 a student who is assigned to a classroom teacher teaching a
373 subject matter that is:
374 1. Outside the field in which the teacher is certified;
375 2. Outside the field that was the teacher's minor field of
376 study; or
377 3. Outside the field in which the teacher has demonstrated

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

378 sufficient subject area expertise, as determined by district
379 school board policy, in the subject area to be taught.
380
381 The notice must inform the parent that virtual instruction from
382 a certified in-field teacher who has an annual performance
383 evaluation rating of "effective" or "highly effective" under s.
384 1012.34 is available to his or her child through the virtual
385 instruction options specified in s. 1002.321(4).
386 (6) ~~(5)~~ REPORT.—
387 ~~(a)~~ By July 1, 2012, the department ~~of Education~~ shall
388 annually report on its website, in a manner that is accessible
389 to the public, the performance rating data reported by district
390 school boards under s. 1012.34. The report must include the
391 percentage of classroom teachers, instructional personnel, and
392 school administrators receiving each performance rating
393 aggregated by school district and by school.
394 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
395 EVALUATIONS.—
396 (a) ~~(b)~~ Notwithstanding ~~the provisions of~~ s.
397 1012.31(3)(a)2., each school district shall annually notify
398 ~~report to~~ the parent of a ~~any~~ student who is assigned to a
399 classroom teacher or school administrator having two consecutive
400 annual performance evaluation ratings of "unsatisfactory" under
401 s. 1012.34, two annual performance evaluation ratings of
402 unsatisfactory within a 3-year period under s. 1012.34, or three
403 consecutive annual performance evaluation ratings of "needs
404 improvement" or a combination of "needs improvement" and
405 "unsatisfactory" under s. 1012.34. The notice must inform the
406 parent that virtual instruction from a teacher having a

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

407 performance evaluation rating of "highly effective" or
408 "effective" under s. 1012.34 is available to his or her child
409 through the virtual instruction options specified in s.
410 1002.321(4).
411 (b) Upon request by the parent of a public school student,
412 the school district shall provide the parent with a performance
413 evaluation for each classroom teacher assigned to his or her
414 child, pursuant to s. 1012.31.
415 (c) If a student is currently taught by a classroom teacher
416 who, during that school year, receives a performance evaluation
417 rating of "needs improvement" or "unsatisfactory" under s.
418 1012.34, the student may not be assigned the following school
419 year to a classroom teacher in the same subject area who
420 received a performance evaluation rating of "needs improvement"
421 or "unsatisfactory" in the preceding school year.
422 Section 8. Section 1012.42, Florida Statutes, is repealed.
423 Section 9. This act shall take effect July 1, 2013.

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)

4/1/2013
Meeting Date

Topic: Parent "Trigger" Bill

Bill Number: SB862 *(if applicable)*

Name: Wayne Blanton

Amendment Barcode: *(if applicable)*

Job Title: Exec. Director

Address: 203 S. Monroe St.
Street

Tallahassee, Fla 32301
City, State, Zip

Phone: 414-2578

E-mail: blanton@fsba.org

Speaking: ☐ For ☑ Against ☐ Information

Representing: Fla School Boards Assc.

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

April 1, 2013
Meeting Date

Topic: Parent Empowerment

Bill Number: 862 *(if applicable)*

Name: Cindy Rathburn

Amendment Barcode: _____ *(if applicable)*

Job Title: Executive Director

Address: 6815 Atlantic Blvd Suite 1
Street

Jacksonville
City *State* *Zip*

Phone: 904-307-3038

E-mail: Cindy@childrenschampions.org

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

Representing: Children's Champions

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: PARENT EMPOWERMENT

Bill Number: SB 862 (if applicable)

Name: TERRY STETSON WILSON

Amendment Barcode: (if applicable)

Job Title: VICE PRESIDENT

Address: 5101 LAKE IN THE WOODS BLVD
Street

LAKELAND FL 33813
City State Zip

Phone: 863-644-2545

E-mail: STETSONWILSON@EARTH

Speaking: ☐ For ☑ Against ☐ Information

Representing: FLORIDA GIFTED NETWORK

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4-1-13
Meeting Date

Topic: Parent Empowerment

Bill Number: 862 (if applicable)

Name: The Honorable Jason Fischer (School board member)

Amendment Barcode: (if applicable)

Job Title: School Board Member

Address: 1701 Prudential Dr
Street

Jax, FL 32223
City, State, Zip

Phone: 904-610-3171

E-mail: FischerJ@duvalschools.org

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

Representing: Parents

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: Parent Trigger Bill

Bill Number: SB 862 (if applicable)

Name: Susan Smith

Amendment Barcode: (if applicable)

Job Title:

Address: 16111 Vanderbilt Dr
Street

Odessa, FL 33556
City, State, Zip

Phone: 813-926-2768

E-mail: stsmith222@aol.com

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

Representing: self

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

April 1, 2013
Meeting Date

Topic: Parent Empowerment

Bill Number: 862 *(if applicable)*

Name: SeQuena B. Napier

Amendment Barcode: _____ *(if applicable)*

Job Title: Parent

Address: 1600 Lansdowne Dr. Apt # 308
Street

Jacksonville, FL 32211
City *State* *Zip*

Phone: (904) 380-1775

E-mail: Sequenanapier@gmail.com

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

Representing: My Children

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: Parent Empowerment Bill

Bill Number: SB 862 *(if applicable)*

Name: Joseph Gebara

Amendment Barcode: *(if applicable)*

Job Title: MDCPS Title I Chair, Parent

Address: 219 SW 6 Ave
Street

Miami, FL 33130
City *State* *Zip*

Phone: 786.317.0757

E-mail: joegebara@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

Representing: MDCPS Title I Parent (DAC)

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4·1·2013
Meeting Date

S.12

Topic: Parent Empowerment

Bill Number: 862 *(if applicable)*

Name: Alfred Johnson

Amendment Barcode: *(if applicable)*

Job Title: Church of Preparation

Address: 3426 Fox Ridge Blvd.
Street

Tampa Wesley Chapel FL 33543
City *State* *Zip*

Phone: 813-359-3310

E-mail: alfredjohnson89@yahoo.com

Speaking: ☑ For ☐ Against ☐ Information

Representing:

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

5:15

Topic: Parent Empowerment Bill

Bill Number: SB 862 *(if applicable)*

Name: Sharon Watson

Amendment Barcode: _____ *(if applicable)*

Job Title: President

Address: 1122 Almeria Avenue
Street

Coral Gables, FL 33134
City *State* *Zip*

Phone: 786-512-6680

E-mail: swatsonpta@aol.com

Speaking: ☐ For ☒ Against ☐ Information

Representing: Miami-Dade County Council PTA/PTSA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

April 1, 2013
Meeting Date

S117

Topic: Parent Empowerment

Bill Number: 862 (if applicable)

Name: William Hutchinson III

Amendment Barcode: _____ (if applicable)

Job Title: _____

Address: 123 Dallas St. / PO Mail Box 731
Street

Avon Park, FL / Sebring FL 33871
City / State / Zip

Phone: 863-381-5034

E-mail: pep317@gmail.com

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

Representing: _____

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4-1-2013
Meeting Date

Topic: PARENT TRIGGER BILL

Bill Number: SB 862 *(if applicable)*

Name: ENRIQUE ESCALLON

Amendment Barcode: *(if applicable)*

Job Title:

Address: 4371 SW 150 Ct
Street

MIAMI, FL 33185
City *State* *Zip*

Phone: 305-761-7205

E-mail: ESCALLON@BELLSOUTH.NET

Speaking: ☐ For ☑ Against ☐ Information

Representing: EXCEPTIONAL CHILD COMMITTEE CHAIR / FLORIDA PTA

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: Parental Empowerment

Bill Number: 862 (if applicable)

Name: Adam Giery (Gear-ie)

Amendment Barcode: (if applicable)

Job Title: Dir of Policy

Address: 136 8th Borough
Street

Tallahassee, FL
City, State, Zip

Phone:

E-mail:

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

Representing: FL Chamber

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

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

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/2013
Meeting Date

Topic: Parent Trigger Bill

Bill Number: SB 862 *(if applicable)*

Name: Maria Kramer

Amendment Barcode: *(if applicable)*

Job Title: PTA

Address: 14580 English Rd
Street

Miami, FL 33017
City *State* *Zip*

Phone: 305 978 5663

E-mail: MariaKrank@aol.com

Speaking: [ ] For [ ] Against [ ] Information

Representing: 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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4.1.13
Meeting Date

Topic: Parent Empowerment / Trisser

Bill Number: 862 (if applicable)

Name: Eric Riley

Amendment Barcode: (if applicable)

Job Title: Legislative Advocate

Address: 213 S Adams St
Street

Tallahassee FL 32301
City State Zip

Phone: 850 201 2800

E-mail: eric.riley@floridaea.org

Speaking: ☐ For ☑ Against ☐ Information

Representing: Florida Education Association

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4.1.13
Meeting Date

Topic: Parent Empowerment/Trigger

Bill Number: 862 *(if applicable)*

Name: TANGELO SEARS

Amendment Barcode: _____ *(if applicable)*

Job Title: _____

Address: 1270 N.W. 75th St.
Street

Miami, FL 33147
City *State* *Zip*

Phone: 786-286-1104

E-mail: tangelosears@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

Representing: NATIONAL ACTION COMMITTEE/Miami Dade

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4-1-13
Meeting Date

Topic _____

Bill Number 862 *(if applicable)*

Name Bill Warren

Amendment Barcode _____ *(if applicable)*

Job Title Legislative Director

Address _____
Street

_____
City *State* *Zip*

Phone 850 688 2162

E-mail _____

Speaking: ☐ For ☐ Against ☐ Information

Representing Foundation for Florida's Future

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4.1.13
Meeting Date

Topic: Parent Empowerment SB 862 by Sen. Stargel

Bill Number: 862 (if applicable)

Name: Kathleen Dropeza

Amendment Barcode: (if applicable)

Job Title: Grass roots Mom

Address: 280 E. Copeland Dr
Street

Orl Fl 32801
City State Zip

Phone: 407 284 8948

E-mail:

Speaking: ☐ For ☒ Against ☐ Information

1000 no Grass Roots Non-Funded

Representing: Fund Education Now

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: Parent Empowerment

Bill Number: 862 (if applicable)

Name: Linda Edson

Amendment Barcode: (if applicable)

Job Title:

Address: 1841 Myrick Rd
Street

Tallahassee, Fl. 32303
City, State, Zip

Phone: 850-385-3196

E-mail: edsonl@nettally.com

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

Representing: Florida Retired Educators Association

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

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

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4-1-13
Meeting Date

Topic: Parent Empowerment

Bill Number: SB 862 *(if applicable)*

Name: NIKKI LOWREY

Amendment Barcode: *(if applicable)*

Job Title: STATE DIRECTOR, STUDENTS FIRST

Address: 1705 CHOCTAW TRL
Street

MAITLAND, FL 32751
City *State* *Zip*

Phone: (850) 251-0009

E-mail: nlowrey@studentsfirst.org

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

Representing: Students First

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

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

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

April 1, 2013
Meeting Date

Topic: Parent Empowerment

Bill Number: SB 862 *(if applicable)*

Name: Daryl Flynn

Amendment Barcode: *(if applicable)*

Job Title: School Board Member, Orange Co. Public Schs.

Address: 445 Amelia St.
Street

Orlando, FL 32801
City, State, Zip

Phone: 407-317-3200 X2989

E-mail: daryl.flynn@ocps.net

Speaking: ☐ For ☒ Against ☐ Information

Representing: Orange County Public Schools

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: Parent Empowerment

Bill Number: 862 (if applicable)

Name: Christine Moore

Amendment Barcode: (if applicable)

Job Title: Vice Chairman Orange County Public Schools

Address: 445 W. Amelia St
Street

Orlando FL 32801
City State Zip

Phone: 407-317-3236

E-mail: christine.moore@ocps.net

Speaking: ☐ For ☒ Against ☐ Information

Representing:

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

April 1, 2013
Meeting Date

Topic: Parent Empowerment.

Bill Number: SB 862 *(if applicable)*

Name: Karen Francis Winston

Amendment Barcode: *(if applicable)*

Job Title: Parent.

Address: 13706 SW 40th Cir
Street

Ocala, Fl 34473
City, State, Zip

Phone: 352-307-9728

E-mail: karenwinston01@live.com

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

Representing:

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4-1-13
Meeting Date

Topic: Parent Empowerment in Education

Bill Number: 0862 *(if applicable)*

Name: Amy Datz

Amendment Barcode: *(if applicable)*

Job Title: Self. - Parent

Address: 1130 Crestview Ave
Street

Tallahassee FL 32303
City *State* *Zip*

Phone: 850 322-7599

E-mail: amaliedatz@mac.com

Speaking: ☐ For ☑ Against ☐ Information

Representing: Parent of 2 children

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: FREE PUBLIC NON PROFIT EDUCATION

Bill Number: 862 (if applicable)

Name: GAIL MARIE PERRY

Amendment Barcode: (if applicable)

Job Title: CHAIR, COUNCIL of FLORIDA

Address: PO BOX 1766
Street

POMPANO BCH FLA 33061
City State Zip

Phone: 954 850 4055

E-mail: workingfolks@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing: COMMUNICATIONS WORKERS of AMERICA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

04/01/13
Meeting Date

Topic: Parent Empowerment

Bill Number: S.B. 862 *(if applicable)*

Name: Nicolás J. Gutiérrez, Jr.

Amendment Barcode: *(if applicable)*

Job Title: Parent

Address: 1528 Palermo Ave.
Street

Coral Gables, FL 33134-6260
City *State* *Zip*

Phone: 305.343.3306

E-mail: nickgutierrez@bellsouth.net

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

Representing: S.B. 862

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4-1-13
Meeting Date

Topic: Parent Trigger

Bill Number: CS/CS/HB 862 *(if applicable)*

Name: Jeff Wright

Amendment Barcode: *(if applicable)*

Job Title: Director Public Policy Advocacy

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Tallahassee FL 32301
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Speaking: ☐ For ☒ Against ☐ Information

Representing: Florida Education Assoc (FEA)

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: Parent Empowerment

Bill Number: SB 862 (if applicable)

Name: Chris Ossman

Amendment Barcode: (if applicable)

Job Title:

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

Representing:

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 (10/20/11)

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 1280

INTRODUCER: Senator Sachs

SUBJECT: Tax Dealer Collection Allowances

DATE: April 1, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McLaughlin	Klebacha	ED	**Favorable**
2.			AFT	
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 1280 revises the process through which sales tax dealers forgo the sales tax collection allowance and direct the collection allowance amount to be transferred into the Educational Enhancement Trust Fund. The proposed change would keep the election for the remainder of the calendar year unless the dealer indicates termination of the election by filing a return that deducts the collection allowance from the amount of tax due.

This bill provides an effective date of July 1, 2013.

This bill amends section 212.12 of the Florida Statutes.

II. Present Situation:

Sales and Use Taxes

Chapter 212, F.S., contains the state's statutory provisions authorizing the levying and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. Florida imposes a six percent tax on tangible personal property sold, used, consumed, distributed, stored for use or consumption, rented, or leased in Florida.[1]

Section 212.12(1)(d), F.S., allows sales tax dealers who are entitled to a collection allowance to direct the amount of the allowance to be deposited into the Educational Enhancement Trust Fund

[1] *See* ss. 212.05 and 212.06, F.S.

(EETF) when filing an electronic sales tax return with the Florida Department of Revenue. The electronic return must be timely filed for the dealer to make the election.[2] If the return is filed late, or the election is not made on the electronic return when filed, the dealer is prohibited from making the election for that reporting period.[3] The dealer must make an election for each return electronically filed.[4]

The Educational Enhancement Trust Fund (EETF)

The EETF was established to administer the proceeds from lottery sales and the slot machine tax revenues.[5] The first lottery revenues transferred to the EETF in each fiscal year are secured for debt service payable on the bonds issued by the state for the construction, maintenance, or repair of schools under the Classrooms First Program (the 1997 School Capital Outlay Bond Program) and the Classrooms for Kids Program (the 2003 Class Size Reduction Lottery Revenue Program).[6]

The revenue remaining in the EETF after providing for debt service obligations is appropriated to benefit public education, at the discretion of the Legislature.[7] The largest appropriation from the Educational Enhancement Trust Fund[8] is for the Bright Futures Scholarship Program, which is a merit-based scholarship program designed to provide college scholarships to students who achieve certain academic levels in high school.[9]

The next largest appropriations are the Florida School Recognition Program, which rewards individual public K-12 schools that sustain high performance or demonstrate exemplary improvement[10] and the class size reduction appropriation, which provides operating funds to school districts for the purpose of reducing class sizes.[11]

Public educational programs and purposes funded by the EETF may include, but are not limited to: endowments, scholarships, matching funds, direct grants, research and economic development related to education, salary enhancement, contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education, and other educational programs or purposes deemed desirable by the Legislature.[12]

III. Effect of Proposed Changes:

SB 1280 provides that the sales tax dealer's election to direct the amount of the allowance deposited into the EETF will remain the dealer's election for subsequent periods of the calendar

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[2] s. 212.12(1)(a)2.b., F.S.
[3] s. 212.12(1)(d)1, F.S.
[4] s. 212.12(3), F.S.
[5] *See* ss. 24.121(2) and 551.106(2)(b), F.S.
[6] *See* ss. 24.121(2), 1013.68, 1013.70, 1013.735, and 1013.737, F.S.
[7] s. 24.121(2), F.S.
[8] *2012-13 Education Appropriations*, Florida Department of Education, October 2012, www.fldoe.org/fefp/pdf/lotbook.pdf (last visited March 21, 2013)
[9] *See* ss. 1009.53-1009.538, F.S.
[10] s. 1008.36, F.S.
[11] *See* ss. 1003.03 and 1011.685, F.S.
[12] s. 24.121(5)(a), F.S.

year unless the dealer indicates termination of the election by filing a return that deducts the collection allowance from the amount of tax due. This would allow the sales tax dealer to make one election in a calendar year instead of having to make the election quarterly.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

In order to implement the statutory change in this bill, the Department of Revenue (DOR) may need to change the programming for the electronic sales and use tax return and the instructions regarding how to make the election. The DOR will need time to notify sales tax dealers and private software vendors who may need time to adjust to the changes.[13]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[13] *2013 Legislative Bill Analysis for SB 1280*, Florida Department of Revenue, March 6, 2013.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

By Senator Sachs

34-00916-13 20131280__

A bill to be entitled

An act relating to tax dealer collection allowances; amending s. 212.12, F.S.; revising the process for dealers to elect to forgo the sales tax collection allowance and direct that the collection allowance amount be transferred into the Educational Enhancement Trust Fund; providing an effective date.

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

Section 1. Paragraph (d) of subsection (1) of section 212.12, Florida Statutes, is amended to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(1)

(d)1. A dealer entitled to the collection allowance provided in this section may elect to forgo ~~forego~~ the collection allowance and direct that the amount be transferred into the Educational Enhancement Trust Fund. Such an election must be made with the timely filing of a return, remains in effect for returns filed for subsequent reporting periods of the calendar year unless the dealer indicates termination of the election by filing a return that deducts the collection allowance from the amount of tax due, and may not be rescinded for a reporting period once the return for that reporting period is filed ~~made~~. If a dealer who makes such an election files a delinquent return, underpays the tax, or files an incomplete

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

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return, the amount transferred into the Educational Enhancement Trust Fund shall be the amount of the collection allowance remaining after resolution of liability for all of the tax, interest, and penalty due on that return or underpayment of tax. The Department of Education shall distribute the remaining amount from the trust fund to the school districts that have adopted resolutions stating that those funds will be used to ensure that up-to-date technology is purchased for the classrooms in the district and that teachers are trained in the use of that technology. Revenues collected in districts that do not adopt such a resolution shall be equally distributed to districts that have adopted such resolutions.

2. This paragraph applies to all taxes, surtaxes, and any local option taxes administered under this chapter and remitted directly to the department. This paragraph does not apply to a locally imposed and self-administered convention development tax, tourist development tax, or tourist impact tax administered under this chapter.

3. Revenues from the dealer-collection allowances shall be transferred quarterly from the General Revenue Fund to the Educational Enhancement Trust Fund. The Department of Revenue shall provide to the Department of Education quarterly information about such revenues by county to which the collection allowance was attributed.

Notwithstanding any provision of chapter 120 to the contrary, the Department of Revenue may adopt rules to carry out the amendment made by chapter 2006-52, Laws of Florida, to this section.

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59 Section 2. This act shall take effect July 1, 2013.

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Proposed Committee Substitute by the Committee on Education

A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; requiring policies agreed to by the sponsor and charter school to be incorporated into the charter contract; authorizing a charter school operated by a Florida College System institution to serve students in kindergarten through grade 12; authorizing a school district to enter into interlocal agreements with certain entities in order to engage in certain activities and meet certain needs for operation of charter school; providing requirements for the interlocal agreements; revising requirements for charter school applications; providing requirements for an annual financial plan that must be submitted with a charter school application; prohibiting the governing board or other related entity of a charter school subject to a corrective action plan or financial recovery plan from applying to open an additional charter school; providing disclosure requirements; revising provisions relating to the timely submission of charter school applications; providing requirements relating to the appeal of a denied application submitted by a high-performing charter school; reducing the amount of time for negotiation of a charter; providing that a provision of a charter contract inconsistent with, or not expressly provided for within, certain requirements is void and unenforceable; revising

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provisions relating to the issuance of a final order in contract dispute cases; requiring a charter to set forth an annual program of continual, detailed reporting and review of the charter school's financial operations; providing a restriction relating to a required certificate of occupancy; requiring the charter agreement to terminate if the charter school closes; prohibiting certain charter school contracts from extending beyond the terms of the contract; authorizing the consolidation of multiple charters into a single charter in certain circumstances; requiring a charter school's sponsor to make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter; revising the financial information that is required by charter schools; revising the timeline for charter schools to submit waiver of termination requests to the Department of Education; restricting expenditures upon nonrenewal or termination of a charter school; requiring a charter school to maintain specified information on a website; revising provisions relating to eligible students; revising provisions requiring charter school compliance with statutes relating to education personnel compensation, contracts, performance evaluations, and workforce reductions; providing requirements for the reimbursement of federal funds to charter schools; requiring the use of standard charter and charter renewal contracts and a standard

evaluation instrument; providing restrictions on the employment of governing board members; providing definitions; amending s. 1002.331, F.S.; providing requirements for modification of a charter; requiring the Commissioner of Education to annually review a high-performing charter school's eligibility for high-performing status; authorizing declassification as a high-performing charter school; amending s. 1002.332, F.S.; revising requirements for classification as a high-performing charter school system; requiring the commissioner to annually review a high-performing charter school system's eligibility for high-performing status; authorizing declassification as a high-performing charter school system; amending s. 1013.62, F.S.; revising a charter school's eligibility requirements for funding allocation; providing an effective date.

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

Section 1. Paragraph (b) of subsection (5), paragraphs (a), (b), (c), and (h) of subsection (6), paragraphs (a) and (c) of subsection (7), paragraph (a) of subsection (8), paragraphs (g) and (n) of subsection (9), paragraphs (b), (h), and (i) of subsection (10), paragraph (b) of subsection (16), paragraphs (b) and (c) of subsection (17), paragraph (a) of subsection (21), subsection (25), and subsection (27) of section 1002.33, Florida Statutes, are amended, paragraphs (o) and (p) are added to subsection (9), paragraph (c) is added to subsection (26), of

that section, and subsection (28) is added to that section, to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties.*—

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

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

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor may ~~sponsor's policies shall~~ not apply policies to a charter school unless mutually agreed to by both the sponsor and the charter school. Each sponsor policy agreed to by the sponsor and the charter school must be incorporated into the final charter contract. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

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

116 f. The sponsor shall ensure that the charter school
117 participates in the state's education accountability system. If
118 a charter school falls short of performance measures included in
119 the approved charter, the sponsor shall report such shortcomings
120 to the Department of Education.
121 g. The sponsor is ~~shall~~ not ~~be~~ liable for civil damages
122 under state law for personal injury, property damage, or death
123 resulting from an act or omission of an officer, employee,
124 agent, or governing board ~~body~~ of the charter school.
125 h. The sponsor is ~~shall~~ not ~~be~~ liable for civil damages
126 under state law for any employment actions taken by an officer,
127 employee, agent, or governing board ~~body~~ of the charter school.
128 i. The sponsor's duties to monitor the charter school do
129 ~~shall~~ not constitute the basis for a private cause of action.
130 j. The sponsor may ~~shall~~ not impose additional reporting
131 requirements on a charter school without providing reasonable
132 and specific justification in writing to the charter school.
133 2. Immunity for the sponsor of a charter school under
134 subparagraph 1. applies only with respect to acts or omissions
135 not under the sponsor's direct authority as described in this
136 section.
137 3. This paragraph does not waive a district school board's
138 sovereign immunity.
139 4. A Florida College System institution may work with the
140 school district or school districts in its designated service
141 area to develop charter schools that offer secondary education.
142 These charter schools must include an option for students to
143 receive an associate degree upon high school graduation. If a
144 Florida College System institution operates an approved teacher

145 preparation program under s. 1004.04 or s. 1004.85, the
146 institution may operate no more than one charter school that
147 serves students in kindergarten through grade 12. District
148 school boards shall cooperate with and assist the Florida
149 College System institution on the charter application. Florida
150 College System institution applications for charter schools are
151 not subject to the time deadlines outlined in subsection (6) and
152 may be approved by the district school board at any time during
153 the year. Florida College System institutions may not report FTE
154 for any students who receive FTE funding through the Florida
155 Education Finance Program.
156 5. A school district may enter into nonexclusive interlocal
157 agreements with federal and state agencies, counties,
158 municipalities, and other governmental entities that operate
159 within the geographical borders of the school district to act on
160 behalf of such governmental entities in the inspection,
161 issuance, and other necessary activities for all necessary
162 permits, licenses, and other permissions that a charter school
163 needs in order to operate. The interlocal agreement must
164 include, but need not be limited to, the identification of fees
165 that charter schools will be charged for such services. The fees
166 must consist of the governmental entity's fees plus a fee for
167 the school district to recover actual costs for providing such
168 services. These services and fees are not included within the
169 services to be provided pursuant to subsection (20). Each
170 charter school is encouraged, but is not required, to use
171 districts that enter into such interlocal agreements for these
172 services.
173 (6) APPLICATION PROCESS AND REVIEW.—Charter school

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174 applications are subject to the following requirements:
175 (a) A person or entity that wants ~~wishing~~ to open a charter
176 school shall prepare and submit an application on the ~~a~~ model
177 application form prepared by the Department of Education which:
178 1. Demonstrates how the school will use the guiding
179 principles and meet the statutorily defined purpose of a charter
180 school.
181 2. Provides a detailed curriculum plan that illustrates how
182 students will be provided instruction on ~~services to attain~~ the
183 Next Generation Sunshine State Standards.
184 3. Contains goals and objectives for improving student
185 learning and measuring that improvement. These goals and
186 objectives must indicate how much academic improvement students
187 are expected to show each year, how success will be evaluated,
188 and the specific results to be attained through instruction.
189 4. Describes the reading curriculum and differentiated
190 strategies that will be used for students reading at grade level
191 or higher and a separate curriculum and strategies for students
192 who are reading below grade level. A sponsor shall deny a
193 charter if the school does not propose a reading curriculum that
194 is consistent with effective teaching strategies that are
195 grounded in scientifically based reading research.
196 5. Contains an annual financial plan for each year that the
197 applicant intends to operate ~~requested by the charter for~~
198 ~~operation of~~ the school for up to 5 years. This plan must
199 provide detailed financial information evidencing that the
200 applicant, or the nonprofit organization that would organize or
201 operate the charter school, is financially qualified and capable
202 of opening, operating, and maintaining a high-quality charter

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203 school in accordance with the applicant's plan and applicable
204 law. This plan must contain anticipated fund balances based on
205 revenue projections, a spending plan based on projected revenues
206 and expenses, and a description of controls that will safeguard
207 finances and projected enrollment trends.
208 6. Discloses whether the applicant was a member of a
209 charter school governing board or was a person with
210 decisionmaking authority for a charter school that was subject
211 to a corrective action pursuant to subparagraph (9)(n)2.,
212 subject to a corrective action plan pursuant to s.
213 1002.345(1)(c), provided notification that a financial emergency
214 has occurred or will occur pursuant to s. 218.503(4)(a), or
215 subject to a financial recovery plan pursuant to s.
216 1002.345(2)(a). The applicant must include a detailed
217 explanation of the circumstances requiring a corrective action
218 plan, a notification that a financial emergency has occurred or
219 will occur, or a financial recovery plan and the resolution of
220 the matter. However, a governing board member or other related
221 entity of a charter school under a current corrective action
222 plan or financial recovery plan is not eligible to apply to open
223 an additional charter school ~~Documents that the applicant has~~
224 ~~participated in the training required in subparagraph (f)2. A~~
225 ~~sponsor may require an applicant to provide additional~~
226 ~~information as an addendum to the charter school application~~
227 ~~described in this paragraph~~.
228 7. For the establishment of a virtual charter school,
229 documents that the applicant has contracted with a provider of
230 virtual instruction services pursuant to s. 1002.45(1)(d).
231 8. Provides one of the following:

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232 a. A surety bond or letter of credit equivalent to 1 month
233 of the new charter school's projected budget;
234 b. Proof of accreditation by the Commission on Schools of
235 the Southern Association of Colleges and Schools;
236 c. Proof that an educational program at the new charter
237 school will substantially replicate the educational program at
238 an existing high-performing charter school as provided in s.
239 1002.331, notwithstanding that the grades served by the new
240 charter school may be different from those of the existing high-
241 performing charter school it seeks to replicate; or
242 d. Proof that the new charter school will be part of an
243 existing high-performing charter school system as defined in s.
244 1002.332.
245
246 A sponsor may require an applicant to provide additional
247 information as an addendum to the charter school application
248 described in this paragraph.
249 (b) A sponsor shall receive and review all applications for
250 a charter school using the ~~an~~ evaluation instrument developed by
251 the Department of Education. A sponsor shall receive and
252 consider charter school applications received on or before
253 August 1 of each calendar year for charter schools to be opened
254 at the beginning of the school district's next school year, or
255 to be opened at a time agreed to by the applicant and the
256 sponsor. A sponsor may not refuse to receive a charter school
257 application submitted on or before August 1 and may receive an
258 application submitted ~~applications~~ later than August 1 ~~this date~~
259 if it chooses. In order to facilitate greater collaboration in
260 the application process, an applicant may submit a draft charter

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261 school application by May 1. If a draft application is timely
262 submitted, the sponsor shall review and provide feedback as to
263 any potential grounds for denial by July 1 unless both parties
264 agree to an extension. The applicant shall then have until
265 August 1, unless both parties agree to an extension, to resubmit
266 a revised and final application. A sponsor may not charge an
267 applicant for a charter any fee for the processing or
268 consideration of an application, and a sponsor may not base its
269 consideration or approval of an application upon the promise of
270 future payment of any kind. Before approving or denying any
271 application, the sponsor shall allow the applicant, upon receipt
272 of written notification, at least 7 calendar days to make
273 technical or nonsubstantive corrections and clarifications,
274 including, but not limited to, corrections of grammatical,
275 typographical, and like errors or missing signatures, if such
276 errors are identified by the sponsor as cause to deny the
277 application.
278 1. In order to facilitate an accurate budget projection
279 process, a sponsor shall be held harmless for FTE students who
280 are not included in the FTE projection due to approval of
281 charter school applications after the FTE projection deadline.
282 In a further effort to facilitate an accurate budget projection,
283 within 15 calendar days after receipt of a charter school
284 application, a sponsor shall report to the Department of
285 Education the name of the applicant entity, the proposed charter
286 school location, and its projected FTE.
287 2. In order to ensure fiscal responsibility, an application
288 for a charter school shall include a full accounting of expected
289 assets, a projection of expected sources and amounts of income,

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290 including income derived from projected student enrollments and
291 from community support, and an expense projection that includes
292 full accounting of the costs of operation, including start-up
293 costs.
294 3.a. A sponsor shall by a majority vote approve or deny an
295 application no later than October 1 ~~60 calendar days after the~~
296 ~~application is received~~, unless the sponsor and the applicant
297 mutually agree in writing to temporarily postpone the vote to a
298 specific date, at which time the sponsor shall by a majority
299 vote approve or deny the application. If the sponsor fails to
300 act on the application, an applicant may appeal to the State
301 Board of Education as provided in paragraph (c). If an
302 application is denied, the sponsor shall, within 10 calendar
303 days after such denial, articulate in writing the specific
304 reasons, based upon good cause, supporting its denial of the
305 charter application and shall provide the letter of denial and
306 supporting documentation to the applicant and to the Department
307 of Education.
308 b. An application submitted by a high-performing charter
309 school identified pursuant to s. 1002.331 may be denied by the
310 sponsor only if the sponsor demonstrates by clear and convincing
311 evidence that:
312 (I) The application does not materially comply with the
313 requirements in paragraph (a);
314 (II) The charter school proposed in the application does
315 not materially comply with the requirements in paragraphs
316 (9)(a)-(f);
317 (III) The proposed charter school's educational program
318 does not substantially replicate that of the applicant or one of

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319 the applicant's high-performing charter schools;
320 (IV) The applicant has made a material misrepresentation or
321 false statement or concealed an essential or material fact
322 during the application process; or
323 (V) The proposed charter school's educational program and
324 financial management practices do not materially comply with the
325 requirements of this section.
326
327 Material noncompliance is a failure to follow requirements or a
328 violation of prohibitions applicable to charter school
329 applications, which failure is quantitatively or qualitatively
330 significant either individually or when aggregated with other
331 noncompliance. An applicant is considered to be replicating a
332 high-performing charter school if the proposed school is
333 substantially similar to at least one of the applicant's high-
334 performing charter schools and the organization or individuals
335 involved in the establishment and operation of the proposed
336 school are significantly involved in the operation of replicated
337 schools.
338 c. If the sponsor denies an application submitted by a
339 high-performing charter school, the sponsor must, within 10
340 calendar days after such denial, state in writing the specific
341 reasons, based upon the criteria in sub-subparagraph b.,
342 supporting ~~its~~ denial of the application and must provide the
343 letter of denial and supporting documentation to the applicant
344 and to the Department of Education. The applicant may appeal the
345 sponsor's denial of the application ~~directly~~ to the State Board
346 of Education pursuant to paragraph (c) and must provide the
347 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b~~.

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348 4. For budget projection purposes, the sponsor shall report
349 to the Department of Education the approval or denial of a
350 charter application within 10 calendar days after such approval
351 or denial. In the event of approval, the report to the
352 Department of Education shall include the final projected FTE
353 for the approved charter school.
354 5. Upon approval of a charter application, the initial
355 startup shall commence with the beginning of the public school
356 calendar for the district in which the charter is granted unless
357 the sponsor allows a waiver of this subparagraph for good cause.
358 (c)1. An applicant may appeal any denial of that
359 applicant's application or failure to act on an application to
360 the State Board of Education within ~~no later than~~ 30 calendar
361 days after receipt of the sponsor's decision or failure to act
362 and shall notify the sponsor of its appeal. Any response of the
363 sponsor shall be submitted to the State Board of Education
364 within 30 calendar days after notification of the appeal. Upon
365 receipt of notification from the State Board of Education that a
366 charter school applicant is filing an appeal, the Commissioner
367 of Education shall convene a meeting of the Charter School
368 Appeal Commission to study and make recommendations to the State
369 Board of Education regarding its pending decision about the
370 appeal. The commission shall forward its recommendation to the
371 state board within ~~no later than~~ 7 calendar days before ~~prior to~~
372 the date on which the appeal is to be heard. An appeal regarding
373 the denial of an application submitted by a high-performing
374 charter school pursuant to s. 1002.331 shall be conducted by the
375 State Board of Education in accordance with this paragraph,
376 except that the commission may not convene to make

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377 recommendations regarding the appeal. However, the Commissioner
378 of Education shall review the appeal and make a recommendation
379 to the state board.
380 2. The Charter School Appeal Commission or, in the case of
381 an appeal regarding an application submitted by a high-
382 performing charter school, the State Board of Education may
383 reject an appeal submission for failure to comply with
384 procedural rules governing the appeals process. The rejection
385 shall describe the submission errors. The appellant has ~~shall~~
386 ~~have~~ 15 calendar days after notice of rejection in which to
387 resubmit an appeal that meets the requirements set forth in
388 State Board of Education rule. An appeal submitted subsequent to
389 such rejection is considered timely if the original appeal was
390 filed within 30 calendar days after receipt of notice of the
391 specific reasons for the sponsor's denial of the charter
392 application.
393 3.a. The State Board of Education shall by majority vote
394 accept or reject the decision of the sponsor within ~~no later~~
395 ~~than~~ 90 calendar days after an appeal is filed in accordance
396 with State Board of Education rule. The State Board of Education
397 shall remand the application to the sponsor with its written
398 decision that the sponsor approve or deny the application. The
399 sponsor shall implement the decision of the State Board of
400 Education. The decision of the State Board of Education is not
401 subject to ~~the provisions of~~ the Administrative Procedure Act,
402 chapter 120.
403 b. If an appeal concerns an application submitted by a
404 high-performing charter school identified pursuant to s.
405 1002.331, the State Board of Education shall determine whether

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406 the sponsor's denial of the application complies with the
407 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~
408 ~~clear and convincing evidence, that:~~
409 ~~(I) The application does not materially comply with the~~
410 ~~requirements in paragraph (a);~~
411 ~~(II) The charter school proposed in the application does~~
412 ~~not materially comply with the requirements in paragraphs~~
413 ~~(9)(a)-(f);~~
414 ~~(III) The proposed charter school's educational program~~
415 ~~does not substantially replicate that of the applicant or one of~~
416 ~~the applicant's high-performing charter schools;~~
417 ~~(IV) The applicant has made a material misrepresentation or~~
418 ~~false statement or concealed an essential or material fact~~
419 ~~during the application process; or~~
420 ~~(V) The proposed charter school's educational program and~~
421 ~~financial management practices do not materially comply with the~~
422 ~~requirements of this section.~~
423
424 The State Board of Education shall approve or reject the
425 sponsor's denial of an application no later than 90 calendar
426 days after an appeal is filed in accordance with State Board of
427 Education rule. The State Board of Education shall remand the
428 application to the sponsor with its written decision that the
429 sponsor approve or deny the application. The sponsor shall
430 implement the decision of the State Board of Education. The
431 decision of the State Board of Education is not subject to the
432 Administrative Procedure Act, chapter 120.
433 (h) The terms and conditions for the operation of a charter
434 school shall be set forth by the sponsor and the applicant in a

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435 written contractual agreement, called a charter. The sponsor may
436 ~~shall~~ not impose unreasonable rules or regulations that violate
437 the intent of giving charter schools greater flexibility to meet
438 educational goals. The sponsor has 30 ~~shall have 60~~ days after
439 approval of the application to provide an initial proposed
440 charter contract to the charter school. Unless the applicant
441 requests in writing that the sponsor use a nonstandard charter
442 contract, the applicant shall use the standard charter adopted
443 in state board rule pursuant to subsection (27) and the
444 application submitted by the applicant. The sponsor may not
445 omit, supplement, or amend any provision of the standard charter
446 agreement. In addition, the sponsor may not insert or append
447 attachments, addenda, or exhibits to the standard charter
448 contract. The applicant and the sponsor have 40 ~~shall have 75~~
449 days thereafter to negotiate and notice the charter contract for
450 final approval by the sponsor unless both parties agree to an
451 extension. Failure of the parties to negotiate the charter
452 within 40 days shall provide the charter school with authority
453 to request mediation or appeal to an administrative law judge
454 pursuant to this paragraph, but it does not absolve the sponsor
455 of its responsibility to continue to negotiate a charter
456 contract in good faith. The proposed charter contract shall be
457 provided to the charter school at least 7 calendar days before
458 ~~prior to~~ the date of the meeting at which the charter is
459 scheduled to be voted upon by the sponsor. A provision of a
460 charter contract inconsistent with or not expressly provided for
461 within the requirements of this section is void and
462 unenforceable. The Department of Education shall provide
463 mediation services for any dispute regarding this section

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464 subsequent to the approval of a charter application and for any
465 dispute relating to the approved charter, except disputes
466 regarding charter school application denials. If the
467 Commissioner of Education determines that the dispute cannot be
468 settled through mediation, the dispute may be appealed to an
469 administrative law judge appointed by the Division of
470 Administrative Hearings. The administrative law judge has final-
471 order authority to ~~may~~ rule on issues of equitable treatment of
472 the charter school as a public school, whether proposed
473 provisions of the charter violate the intended flexibility
474 granted charter schools by statute, or on any other matter
475 regarding this section except a charter school application
476 denial, a charter termination, or a charter nonrenewal and shall
477 award the prevailing party reasonable attorney ~~attorney's~~ fees
478 and costs incurred to be paid by the losing party. The costs of
479 the administrative hearing shall be paid by the party whom the
480 administrative law judge rules against.
481 (7) CHARTER.—The major issues involving the operation of a
482 charter school shall be considered in advance and written into
483 the charter. The charter shall be signed by the governing board
484 of the charter school and the sponsor, following a public
485 hearing to ensure community input.
486 (a) The charter shall address and criteria for approval of
487 the charter shall be based on:
488 1. The school's mission, the students to be served, and the
489 ages and grades to be included.
490 2. The focus of the curriculum, the instructional methods
491 to be used, any distinctive instructional techniques to be
492 employed, and identification and acquisition of appropriate

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493 technologies needed to improve educational and administrative
494 performance, which include a means for promoting safe, ethical,
495 and appropriate uses of technology which comply with legal and
496 professional standards.
497 a. The charter shall ensure that reading is a primary focus
498 of the curriculum and that resources are provided to identify
499 and provide specialized instruction for students who are reading
500 below grade level. The curriculum and instructional strategies
501 for reading must be consistent with the Next Generation Sunshine
502 State Standards and grounded in scientifically based reading
503 research.
504 b. In order to provide students with access to diverse
505 instructional delivery models, to facilitate the integration of
506 technology within traditional classroom instruction, and to
507 provide students with the skills they need to compete in the
508 21st century economy, the Legislature encourages instructional
509 methods for blended learning courses in which a student learns
510 in part through online delivery of content and instruction with
511 some element of student control over time, place, path, or pace
512 and in part at a supervised physical location away from home
513 ~~consisting of both traditional classroom and online~~
514 ~~instructional techniques~~. Charter schools may implement blended
515 learning courses that ~~which~~ combine traditional classroom
516 instruction and virtual instruction. Students in a blended
517 learning course must be full-time students of the charter school
518 and receive the online instruction in a classroom setting at the
519 charter school. Instructional personnel certified pursuant to s.
520 1012.55 who provide virtual instruction for blended learning
521 courses may be employees of the charter school or may be under

522 contract to provide instructional services to charter school
523 students. At a minimum, such instructional personnel must hold
524 an active state or school district adjunct certification under
525 s. 1012.57 for the subject area of the blended learning course.
526 The funding and performance accountability requirements for
527 blended learning courses are the same as those for traditional
528 courses.
529 3. The current incoming baseline standard of student
530 academic achievement, the outcomes to be achieved, and the
531 method of measurement that will be used. The criteria listed in
532 this subparagraph shall include a detailed description of:
533 a. How the baseline student academic achievement levels and
534 prior rates of academic progress will be established.
535 b. How these baseline rates will be compared to rates of
536 academic progress achieved by these same students while
537 attending the charter school.
538 c. To the extent possible, how these rates of progress will
539 be evaluated and compared with rates of progress of other
540 closely comparable student populations.
541
542 The district school board is required to provide academic
543 student performance data to charter schools for each of their
544 students coming from the district school system, as well as
545 rates of academic progress of comparable student populations in
546 the district school system.
547 4. The methods used to identify the educational strengths
548 and needs of students and how well educational goals and
549 performance standards are met by students attending the charter
550 school. The methods shall provide a means for the charter school

551 to ensure accountability to its constituents by analyzing
552 student performance data and by evaluating the effectiveness and
553 efficiency of its major educational programs. Students in
554 charter schools shall, at a minimum, participate in the
555 statewide assessment program created under s. 1008.22.
556 5. In secondary charter schools, a method for determining
557 that a student has satisfied the requirements for graduation in
558 s. 1003.428, s. 1003.429, or s. 1003.43.
559 6. A method for resolving conflicts between the governing
560 board of the charter school and the sponsor.
561 7. The admissions procedures and dismissal procedures,
562 including the school's code of student conduct.
563 8. The ways by which the school will achieve a
564 racial/ethnic balance reflective of the community it serves or
565 within the racial/ethnic range of other public schools in the
566 same school district.
567 9. The financial and administrative management of the
568 school, including a reasonable demonstration of the professional
569 experience or competence of those individuals or organizations
570 applying to operate the charter school or those hired or
571 retained to perform such professional services and the
572 description of clearly delineated responsibilities and the
573 policies and practices needed to effectively manage the charter
574 school. A description of internal audit procedures and
575 establishment of controls to ensure that financial resources are
576 properly managed must be included. Both public sector and
577 private sector professional experience shall be equally valid in
578 such a consideration. The charter must set forth, at least
579 annually, a program of continual, detailed reporting by the

580 charter school and review by the sponsor of the financial
581 operations of the charter school, including, but not limited to,
582 organization, solvency, and proper financial management.
583 10. The asset and liability projections required in the
584 application which are incorporated into the charter and shall be
585 compared with information provided in the annual report of the
586 charter school.
587 11. A description of procedures that identify various risks
588 and provide for a comprehensive approach to reduce the impact of
589 losses; plans to ensure the safety and security of students and
590 staff; plans to identify, minimize, and protect others from
591 violent or disruptive student behavior; and the manner in which
592 the school will be insured, including whether or not the school
593 will be required to have liability insurance, and, if so, the
594 terms and conditions thereof and the amounts of coverage.
595 12. The term of the charter, which shall provide for
596 termination ~~cancellation~~ of the charter if insufficient progress
597 has been made in attaining the student achievement objectives of
598 the charter and if it is not likely that such objectives can be
599 achieved before expiration of the charter. The initial term of a
600 charter shall be for 4 or 5 years. ~~In order to facilitate access~~
601 ~~to long-term financial resources for charter school~~
602 ~~construction,~~ Charter schools that are operated by a
603 municipality or other public entity as provided by law are
604 eligible for up to a 15-year charter, subject to approval by the
605 district school board. A charter lab school is eligible for a
606 charter for a term of up to 15 years. In addition, ~~to facilitate~~
607 ~~access to long-term financial resources for charter school~~
608 ~~construction,~~ charter schools that are operated by a private,

609 not-for-profit, s. 501(c)(3) status corporation are eligible for
610 up to a 15-year charter, subject to approval by the district
611 school board. Such long-term charters remain subject to annual
612 review and may be terminated during the term of the charter, but
613 only according to ~~the provisions set forth in~~ subsection (8).
614 13. The facilities to be used and their location. The
615 sponsor may not require a charter school to have a certificate
616 of occupancy for such a facility earlier than 15 calendar days
617 before the first day of school.
618 14. The qualifications to be required of the teachers and
619 the potential strategies used to recruit, hire, train, and
620 retain qualified staff to achieve best value.
621 15. The governance structure of the school, including the
622 status of the charter school as a public or private employer as
623 required in paragraph (12)(i).
624 16. A timetable for implementing the charter which
625 addresses the implementation of each element thereof and the
626 date by which the charter shall be awarded in order to meet this
627 timetable.
628 17. In the case of an existing public school that is being
629 converted to charter status, alternative arrangements for
630 current students who choose not to attend the charter school and
631 for current teachers who choose not to teach in the charter
632 school after conversion in accordance with the existing
633 collective bargaining agreement or district school board rule in
634 the absence of a collective bargaining agreement. However,
635 alternative arrangements are ~~shall~~ not be required for current
636 teachers who choose not to teach in a charter lab school, except
637 as authorized by the employment policies of the state university

638 which grants the charter to the lab school.
639 18. Full disclosure of the identity of all relatives
640 employed by the charter school who are related to the charter
641 school owner, president, chairperson of the governing board of
642 directors, superintendent, governing board member, principal,
643 assistant principal, or any other person employed by the charter
644 school who has equivalent decisionmaking authority. For the
645 purpose of this subparagraph, the term "relative" means father,
646 mother, son, daughter, brother, sister, uncle, aunt, first
647 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
648 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
649 stepfather, stepmother, stepson, stepdaughter, stepbrother,
650 stepsister, half brother, or half sister.
651 19. Implementation of the activities authorized under s.
652 1002.331 by the charter school when it satisfies the eligibility
653 requirements for a high-performing charter school. A high-
654 performing charter school shall notify its sponsor in writing by
655 March 1 if it intends to increase enrollment or expand grade
656 levels the following school year. The written notice shall
657 specify the amount of the enrollment increase and the grade
658 levels that will be added, as applicable.
659
660 The charter agreement must immediately terminate when the
661 charter school closes. Charter school contracts with employees,
662 service providers, management companies, and other types of
663 service contracts may not extend beyond the term of the charter
664 agreement. Payments may be made only for services provided
665 before the closure, nonrenewal, termination, or immediate
666 termination of the charter school. If the charter school closes

667 or if the charter agreement is terminated or immediately
668 terminated before the term of the charter agreement expires, the
669 remainder of a service contract is void.
670 (c) A charter may be modified during its initial term or
671 any renewal term upon the recommendation of the sponsor or the
672 charter school's governing board and the approval of both
673 parties to the agreement. Modification may include, but is not
674 limited to, consolidation of multiple charters into a single
675 charter if the charters are operated under the same governing
676 board and physically located on the same campus, regardless of
677 the renewal cycle.
678 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—
679 (a) The sponsor shall make student academic achievement for
680 all students the most important factor when determining whether
681 to renew or terminate the charter. The sponsor may also choose
682 not to renew or may terminate the charter for any of the
683 following grounds:
684 1. Failure to participate in the state's education
685 accountability system created in s. 1008.31, as required in this
686 section, or failure to meet the requirements for student
687 performance stated in the charter.
688 2. Failure to meet generally accepted standards of fiscal
689 management.
690 3. Violation of law.
691 4. Other good cause shown.
692 (9) CHARTER SCHOOL REQUIREMENTS.—
693 (g) A charter school shall maintain and provide financial
694 information as required in subparagraphs 3., 4., and 5. This
695 information must be in a form prescribed by the Department of

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696 Education.
697 1. In order to provide financial information that is
698 comparable to that reported for other public schools, charter
699 schools are to maintain all financial records that constitute
700 their accounting system:
701 a.~~1.~~ In accordance with the accounts and codes prescribed
702 in the most recent issuance of the publication titled "Financial
703 and Program Cost Accounting and Reporting for Florida Schools";
704 or
705 b.~~2.~~ At the discretion of the charter school's governing
706 board, a charter school may elect to follow generally accepted
707 accounting standards for not-for-profit organizations, but must
708 reformat this information for reporting according to this
709 paragraph.
710 2. A charter school ~~schools~~ shall provide annual financial
711 report and program cost report information in the state-required
712 formats for inclusion in district reporting in compliance with
713 s. 1011.60(1). A charter school ~~schools~~ that is ~~are~~ operated by
714 a municipality or is ~~are~~ a component unit of a parent nonprofit
715 organization may use the accounting system of the municipality
716 or the parent but must reformat this information for reporting
717 according to this paragraph.
718 3. A charter school shall provide a monthly financial
719 statement to the sponsor unless the charter school is designated
720 as a high-performing charter school pursuant to s. 1002.331, in
721 which case the high-performing charter school may provide a
722 quarterly financial statement. ~~The financial statement required~~
723 ~~under this paragraph shall be in a form prescribed by the~~
724 ~~Department of Education.~~

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725 4. A charter school shall provide the sponsor with a
726 uniform annual performance audit report that links information
727 with useable issues. The report must include, but not be limited
728 to, detailed financial operations, capitalization, solvency,
729 financial management, and compensation.
730 5. A charter school shall provide the sponsor with a
731 concise monthly financial statement summary sheet that contains
732 a balance sheet and a statement of revenue, expenditures, and
733 changes in fund balance. The balance sheet and the statement of
734 revenue, expenditures, and changes in fund balance shall be in
735 the governmental funds format prescribed by the Governmental
736 Accounting Standards Board.
737 (n)1. The director and a representative of the governing
738 board of a charter school that has earned a grade of "D" or "F"
739 pursuant to s. 1008.34(2) shall appear before the sponsor to
740 present information concerning each contract component having
741 noted deficiencies. The director and a representative of the
742 governing board shall submit to the sponsor for approval a
743 school improvement plan to raise student achievement. Upon
744 approval by the sponsor, the charter school shall begin
745 implementation of the school improvement plan. The department
746 shall offer technical assistance and training to the charter
747 school and its governing board and establish guidelines for
748 developing, submitting, and approving such plans.
749 2.a. If a charter school earns three consecutive grades of
750 "D," two consecutive grades of "D" followed by a grade of "F,"
751 or two nonconsecutive grades of "F" within a 3-year period, the
752 charter school governing board shall choose one of the following
753 corrective actions:

754 (I) Contract for educational services to be provided
755 directly to students, instructional personnel, and school
756 administrators, as prescribed in state board rule;
757 (II) Contract with an outside entity that has a
758 demonstrated record of effectiveness to operate the school;
759 (III) Reorganize the school under a new director or
760 principal who is authorized to hire new staff; or
761 (IV) Voluntarily close the charter school.
762 b. The charter school must implement the corrective action
763 in the school year following receipt of a third consecutive
764 grade of "D," a grade of "F" following two consecutive grades of
765 "D," or a second nonconsecutive grade of "F" within a 3-year
766 period.
767 c. The sponsor may annually waive a corrective action if it
768 determines that the charter school is likely to improve a letter
769 grade if additional time is provided to implement the
770 intervention and support strategies prescribed by the school
771 improvement plan. Notwithstanding this sub-subparagraph, a
772 charter school that earns a second consecutive grade of "F" is
773 subject to subparagraph 4.
774 d. A charter school is no longer required to implement a
775 corrective action if it improves by at least one letter grade.
776 However, the charter school must continue to implement
777 strategies identified in the school improvement plan. The
778 sponsor must annually review implementation of the school
779 improvement plan to monitor the school's continued improvement
780 pursuant to subparagraph 5.
781 e. A charter school implementing a corrective action that
782 does not improve by at least one letter grade after 2 full

783 school years of implementing the corrective action must select a
784 different corrective action. Implementation of the new
785 corrective action must begin in the school year following the
786 implementation period of the existing corrective action, unless
787 the sponsor determines that the charter school is likely to
788 improve a letter grade if additional time is provided to
789 implement the existing corrective action. Notwithstanding this
790 sub-subparagraph, a charter school that earns a second
791 consecutive grade of "F" while implementing a corrective action
792 is subject to subparagraph 4.
793 3. A charter school with a grade of "D" or "F" that
794 improves by at least one letter grade must continue to implement
795 the strategies identified in the school improvement plan. The
796 sponsor must annually review implementation of the school
797 improvement plan to monitor the school's continued improvement
798 pursuant to subparagraph 5.
799 4. The sponsor shall terminate a charter if the charter
800 school earns two consecutive grades of "F" unless:
801 a. The charter school is established to turn around the
802 performance of a district public school pursuant to s.
803 1008.33(4)(b)3. Such charter schools shall be governed by s.
804 1008.33;
805 b. The charter school serves a student population the
806 majority of which resides in a school zone served by a district
807 public school that earned a grade of "F" in the year before the
808 charter school opened and the charter school earns at least a
809 grade of "D" in its third year of operation. The exception
810 provided under this sub-subparagraph does not apply to a charter
811 school in its fourth year of operation and thereafter; or

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c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 ~~30~~ days after the department's official release ~~completion~~ of school grades ~~grade appeals~~. The state board may waive termination if the charter school demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

5. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

6. Notwithstanding any provision of this paragraph except sub-subparagraphs 4.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(o) Upon notification of nonrenewal or termination of its charter, a charter school may not expend more than $35,000 without prior written approval from the sponsor, unless such expenditure was included within the annual budget submitted to the sponsor pursuant to the charter contract or such expenditure

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is for reasonable attorney fees and costs during the pendency of any appeal.

(p) Each charter school shall maintain a website that enables the public to obtain information regarding the school, its personnel, and its programs. The website shall include information or online links to information regarding any entity that owns, operates, or manages the school, including any nonprofit or for-profit entity; the names of all governing officers and administrative personnel of the entity; and any fees the school pays to the entity. The information or online links must be prominently displayed and easily accessible to visitors of the website.

(10) ELIGIBLE STUDENTS.—

(b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants ~~shall~~ have an equal chance of being admitted through a public, random, selection process.

(h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection unless the charter school is designated as a high-performing charter school pursuant to s. 1002.331. A sponsor may not require a charter school to waive the provisions of s. 1002.331 or require a student enrollment cap that prohibits a high-performing charter school from increasing enrollment ~~in accordance with s. 1002.331(2)~~ as a condition of approval or renewal of a charter.

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870 (i) The capacity of a high-performing charter school
871 identified pursuant to s. 1002.331 shall be determined annually
872 by the governing board of the charter school. The governing
873 board shall notify the sponsor of any increase in enrollment by
874 March 1 of the school year preceding the increase. A sponsor may
875 not require a charter school to identify the names of students
876 to be enrolled or to enroll those students before the start of
877 the school year as a condition of approval or renewal of a
878 charter.
879 (16) EXEMPTION FROM STATUTES.—
880 (b) Additionally, a charter school shall be in compliance
881 with the following statutes:
882 1. Section 286.011, relating to public meetings and
883 records, public inspection, and criminal and civil penalties.
884 2. Chapter 119, relating to public records.
885 3. Section 1003.03, relating to the maximum class size,
886 except that the calculation for compliance pursuant to s.
887 1003.03 shall be the average at the school level.
888 4. Section 1012.22(1)(c)5.b. ~~1012.22(1)(c)~~, relating to the
889 implementation of a compensation system that requires annual
890 salary adjustments for instructional personnel to be based upon
891 performance ~~and salary schedules~~.
892 5. Section 1012.33(5), relating to workforce reductions, if
893 the charter school awards contracts to instructional personnel
894 and the term of a contract exceeds 1 year.
895 6. Section 1012.335, relating to contracts with
896 instructional personnel hired on or after July 1, 2011, if the
897 charter school awards contracts to instructional personnel and
898 the term of a contract exceeds 1 year.

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899 7. Section 1012.34(2), (3), and (7) ~~1012.34~~, relating to
900 ~~the substantive requirements for~~ performance evaluations for
901 instructional personnel and school administrators. For purposes
902 of compliance with this subparagraph, the duties assigned to a
903 district school superintendent apply to a charter school
904 principal or his or her equivalent, and the duties assigned to a
905 district school board apply to a charter school's governing
906 board.
907 (17) FUNDING.—Students enrolled in a charter school,
908 regardless of the sponsorship, shall be funded as if they are in
909 a basic program or a special program, the same as students
910 enrolled in other public schools in the school district. Funding
911 for a charter lab school shall be as provided in s. 1002.32.
912 (b) The basis for the agreement for funding students
913 enrolled in a charter school shall be the sum of the school
914 district's operating funds from the Florida Education Finance
915 Program as provided in s. 1011.62 and the General Appropriations
916 Act, including gross state and local funds, discretionary
917 lottery funds, and funds from the school district's current
918 operating discretionary millage levy; divided by total funded
919 weighted full-time equivalent students in the school district;
920 multiplied by the weighted full-time equivalent students for the
921 charter school. Charter schools whose students or programs meet
922 the eligibility criteria in law shall be entitled to their
923 proportionate share of categorical program funds included in the
924 total funds available in the Florida Education Finance Program
925 by the Legislature, including transportation. Total funding for
926 each charter school shall be recalculated during the year to
927 reflect the revised calculations under the Florida Education

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928 Finance Program by the state and the actual weighted full-time
929 equivalent students reported by the charter school during the
930 full-time equivalent student survey periods designated by the
931 Commissioner of Education. A school district, and any charter
932 school within that district, in which students transfer among
933 charter schools and public schools in that district during the
934 school year may reconcile student funding as identified in s.
935 1011.62. Each school district shall report information regarding
936 such reconciliation to the department with the survey response
937 the school district provides pursuant to s. 1011.62.
938 (c) If the district school board is providing programs or
939 services to students funded by federal funds, any eligible
940 students enrolled in charter schools in the school district
941 shall be provided federal funds for the same level of service
942 provided students in the schools operated by the district school
943 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
944 charter schools shall receive all federal funding for which the
945 school is otherwise eligible, including Title I funding, not
946 later than 5 months after the charter school first opens and
947 within 5 months after any subsequent expansion of enrollment.
948 Unless otherwise mutually agreed to by the charter school and
949 its sponsor, and consistent with state and federal rules and
950 regulations governing the use and disbursement of federal funds,
951 the sponsor shall reimburse the charter school on a monthly
952 basis for all invoices submitted by the charter school for
953 federal funds available to the sponsor for the benefit of the
954 charter school, the charter school's students, and the charter
955 school's students as public school students in the school
956 district. Such federal funds include, but are not limited to,

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957 Title I, Title II, and Individuals with Disabilities Education
958 Act (IDEA) funds. To receive timely reimbursement for an
959 invoice, the charter school must submit the invoice to the
960 sponsor at least 30 days before the monthly date of
961 reimbursement set by the sponsor. In order to be reimbursed, any
962 expenditure made by the charter school must comply with all
963 applicable state and federal rules and regulations, including,
964 but not limited to, the applicable federal Office of Management
965 and Budget Circulars, the federal Education Department General
966 Administrative Regulations, and program-specific statutes,
967 rules, and regulations. Such funds may not be made available to
968 the charter school until a plan for their use is submitted to
969 the sponsor for approval in accordance with applicable federal
970 requirements. The sponsor has 30 days to review and approve any
971 plan submitted pursuant to this paragraph.
972 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—
973 (a) The Department of Education shall provide information
974 to the public, directly and through sponsors, on how to form and
975 operate a charter school and how to enroll in a charter school
976 once it is created. This information shall include a model
977 ~~standard~~ application form ~~format~~, standard charter contract
978 ~~format~~, standard evaluation instrument, and standard charter
979 renewal contract ~~format~~, which shall include the information
980 specified in subsection (7) and shall be developed by consulting
981 and negotiating with both school districts and charter schools
982 before implementation. The charter and charter renewal contracts
983 ~~formats~~ shall be used by charter school sponsors.
984 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
985 SCHOOL SYSTEMS.—A charter school system shall be designated a

986 local educational agency for the purpose of receiving federal
987 funds, the same as though the charter school system were a
988 school district, if the governing board of the charter school
989 system has adopted and filed a resolution with its sponsoring
990 district school board and the Department of Education in which
991 the governing board of the charter school system accepts the
992 full responsibility for all local education agency requirements
993 and if the charter school system meets all of the following:
994 (a) Includes both conversion charter schools and
995 nonconversion charter schools;
996 (b) Has all schools located in the same county;
997 (c) Has a total enrollment exceeding the total enrollment
998 of at least one school district in the state;
999 (d) Has the same governing board; and
1000 (e) Does not contract with a for-profit service provider
1001 for management of school operations.
1002
1003 Such designation does not apply to other provisions unless
1004 specifically provided by ~~in~~ law.
1005 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—
1006 (c) An employee of the charter school, or his or her
1007 spouse, or an employee of a charter management organization, or
1008 his or her spouse, may not be a member of the governing board of
1009 a charter school.
1010 (27) RULEMAKING.—The Department of Education, after
1011 consultation with school districts and charter school directors,
1012 shall recommend that the State Board of Education adopt rules to
1013 implement specific subsections of this section. Such rules must
1014 ~~shall~~ require minimum paperwork and may ~~shall~~ not limit charter

1015 school flexibility authorized by statute. The State Board of
1016 Education shall adopt rules, pursuant to ss. 120.536(1) and
1017 120.54, to implement a charter model application form, standard
1018 evaluation instrument, and standard charter and charter renewal
1019 contracts ~~formats~~ in accordance with this section.
1020 (28) DEFINITIONS.—When used in this section and chapters
1021 1000-1013 and where the context will permit in other provision
1022 of law, the term or phrase:
1023 (1) "Management company" means an entity retained by a
1024 public school's governing body pursuant to a written contract to
1025 administer or direct the operations of the school, subject to
1026 the policies, directives, and oversight of the governing body. A
1027 public school governing body may not retain a management company
1028 of which the governing body is a component unit. This definition
1029 also applies to the terms "service provider" as the term is used
1030 in s. 1002.33, "education management corporation," as the term
1031 is used in s. 1002.332, and "outside entity," as the term is
1032 used in s. 1008.33.
1033 (2) "Organize as or be operated by a nonprofit
1034 organization" means a charter school that is created and owned
1035 by a nonprofit organization, or a charter school that is created
1036 by an individual or entity other than a nonprofit organization
1037 whose ownership is subsequently transferred to a nonprofit
1038 organization before the nonprofit organization executes the
1039 charter agreement. A charter school may not be owned in whole or
1040 in part by, or be a component unit of, a for-profit entity.
1041 Section 2. Subsections (2), (4), and (5) of section
1042 1002.331, Florida Statutes, are amended to read:
1043 1002.331 High-performing charter schools.—

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1044 (2) A high-performing charter school is authorized to:
1045 (a) Increase its student enrollment once per school year by
1046 up to 15 percent more than the capacity identified in the
1047 charter.
1048 (b) Expand grade levels within kindergarten through grade
1049 12 to add grade levels not already served if any annual
1050 enrollment increase resulting from grade level expansion is
1051 within the limit established in paragraph (a).
1052 (c) Submit a quarterly, rather than a monthly, financial
1053 statement to the sponsor pursuant to s. 1002.33(9)(g).
1054 (d) Consolidate under a single charter the charters of
1055 multiple high-performing charter schools operated in the same
1056 school district by the charter schools' governing board
1057 regardless of the renewal cycle.
1058 (e) Receive a modification of its charter to a term of 15
1059 years or a 15-year charter renewal. The charter may be modified
1060 or renewed for a shorter term at the option of the high-
1061 performing charter school. The charter must be consistent with
1062 s. 1002.33(7)(a)19. and (10)(h) ~~and (i)~~, is subject to annual
1063 review by the sponsor, and may be terminated during its term
1064 pursuant to s. 1002.33(8).
1065
1066 A high-performing charter school shall notify its sponsor in
1067 writing by March 1 if it intends to increase enrollment or
1068 expand grade levels the following school year. The written
1069 notice shall specify the amount of the enrollment increase and
1070 the grade levels that will be added, as applicable. If a high-
1071 performing charter school requests to consolidate multiple
1072 charters or to modify its charter pursuant to this subsection,

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1073 the sponsor has 40 days after receipt of that request to provide
1074 an initial draft charter to the charter school. The sponsor and
1075 charter school have 50 days thereafter to negotiate and notice
1076 the charter contract for final approval by the sponsor. Failure
1077 of the parties to negotiate the charter within 50 days shall
1078 provide the charter school with authority to request mediation
1079 or appeal to an administrative law judge pursuant to this
1080 subsection, but it does not absolve the sponsor of its
1081 responsibility to continue to negotiate a charter contract in
1082 good faith.
1083 (4) A high-performing charter school may not increase
1084 enrollment or expand grade levels following any school year in
1085 which it receives a school grade of "C" or below. If the charter
1086 school receives a school grade of "C" or below in any 2 years
1087 during the term of the charter awarded under subsection (2), the
1088 term of the charter may be modified by the sponsor ~~and the~~
1089 ~~charter school loses its high-performing charter school status~~
1090 ~~until it regains that status under subsection (1)~~.
1091 (5) The Commissioner of Education, upon request by a
1092 charter school, shall verify that the charter school meets the
1093 criteria in subsection (1) and provide a letter to the charter
1094 school and the sponsor stating that the charter school is a
1095 high-performing charter school pursuant to this section. The
1096 commissioner shall annually determine whether a high-performing
1097 charter school continues to meet the criteria specified in
1098 subsection (1). A high-performing charter school shall maintain
1099 its high-performing status unless the commissioner determines
1100 that the charter school no longer meets the criteria in
1101 subsection (1), at which time the commissioner shall send a

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1102 letter providing notification to the school of its
1103 declassification as a high-performing charter school.
1104 Section 3. Paragraph (b) of subsection (1) and paragraph
1105 (a) of subsection (2) of section 1002.332, Florida Statutes, are
1106 amended to read:
1107 1002.332 High-performing charter school system.—
1108 (1) For purposes of this section, the term:
1109 (b) "High-performing charter school system" means an entity
1110 that:
1111 1. Operated ~~Operates~~ at least three high-performing charter
1112 schools in the state, based on charter school models that
1113 originated in this state, during each of the previous 3 school
1114 years;
1115 2. Operated ~~Operates~~ a system of charter schools in which
1116 at least 50 percent of the charter schools were ~~are~~ high-
1117 performing charter schools pursuant to s. 1002.331 and no
1118 charter school earned a school grade of "D" or "F" pursuant to
1119 s. 1008.34 in any of the previous 3 school years regardless of
1120 whether the entity currently operates the charter school, except
1121 that:
1122 a. If the entity ~~has~~ assumed operation of a public school
1123 pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that
1124 school's grade may not be considered in determining high-
1125 performing charter school system status for a period of 3 years.
1126 b. If the entity established ~~establishes~~ a new charter
1127 school that served ~~serves~~ a student population the majority of
1128 which resided ~~resides~~ in a school zone served by a public school
1129 that earned a grade of "F" or three consecutive grades of "D"
1130 pursuant to s. 1008.34, that charter school's grade may not be

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1131 considered in determining high-performing charter school system
1132 status if it attained ~~attains~~ and maintained ~~maintains~~ a school
1133 grade that was ~~is~~ higher than that of the public school serving
1134 that school zone within 3 years after establishment; and
1135 3. Did ~~Has~~ not receive ~~received~~ a financial audit that
1136 revealed one or more of the financial emergency conditions set
1137 forth in s. 218.503(1) for any charter school assumed or
1138 established by the entity in the most recent 3 fiscal years for
1139 which such audits are available.
1140 4. Originated in this state.
1141 (2)(a) The Commissioner of Education~~, upon request by an~~
1142 ~~entity,~~ shall verify all charter schools served by the entity,
1143 verify that the entity meets the criteria in subsection (1) for
1144 the previous ~~prior~~ school year, and provide a letter to the
1145 entity stating that it is a high-performing charter school
1146 system.
1147 1. As part of the commissioner's verification, the entity
1148 shall identify all charter schools in this state which the
1149 entity has operated or provided services for in the previous 3
1150 years, regardless of whether the entity currently operates or
1151 provides services for the charter school. For all such charter
1152 schools that the entity no longer operates, the entity shall
1153 identify the reasons the entity terminated the operation or
1154 services or grounds stated by the charter school's governing
1155 board in terminating the operation or services of the entity.
1156 2. The commissioner shall annually determine whether a
1157 high-performing charter school system continues to meet the
1158 criteria in subsection (1). A high-performing charter school
1159 system shall maintain its high-performing status unless the

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1160 commissioner determines that the charter school system no longer
1161 meets the criteria in subsection (1), at which time the
1162 commissioner shall send a letter providing notification of its
1163 declassification as a high-performing charter school system.
1164 Section 4. Paragraph (a) of subsection (1) of section
1165 1013.62, Florida Statutes, is amended to read:
1166 1013.62 Charter schools capital outlay funding.—
1167 (1) In each year in which funds are appropriated for
1168 charter school capital outlay purposes, the Commissioner of
1169 Education shall allocate the funds among eligible charter
1170 schools.
1171 (a) To be eligible for a funding allocation, a charter
1172 school must:
1173 1.a. Have been in operation for 3 or more years;
1174 b. Be governed by a governing board established in the
1175 state for 3 or more years which operates both charter schools
1176 and conversion charter schools within the state;
1177 c. Be an expanded feeder chain of a charter school within
1178 the same school district that is currently receiving charter
1179 school capital outlay funds; or
1180 ~~d. Have been accredited by the Commission on Schools of the~~
1181 ~~Southern Association of Colleges and Schools; or~~
1182 d.~~e.~~ Serve students in facilities that are provided by a
1183 business partner for a charter school-in-the-workplace pursuant
1184 to s. 1002.33(15)(b).
1185 2. Have financial stability for future operation as a
1186 charter school.
1187 3. Have satisfactory student achievement based on state
1188 accountability standards applicable to the charter school.

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1189 4. Have received final approval from its sponsor pursuant
1190 to s. 1002.33 for operation during that fiscal year.
1191 5. Serve students in facilities that are not provided by
1192 the charter school's sponsor.
1193 Section 5. This act shall take effect July 1, 2013.

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 1282

INTRODUCER: Committee on Education and Senator Stargel

SUBJECT: Charter Schools

DATE: April 1, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	**Fav/CS**
2.			JU	
3.			AED	
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	x	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 1282 addresses financial and performance accountability in charter schools by strengthening: the application process; the contracting process; charter school operations; charter school reporting requirements. Further, the bill addresses accountability by prohibiting certain service contracts and expenses subsequent to school closure, and by increasing governing board transparency.

The bill also expands charter school growth and flexibility by: allowing sponsors to preview a charter school application; clarifying instructional personnel contracts; expanding Florida College System institution charter school grades; and authorizing school districts to enter into interlocal agreements to issue permits on behalf of other governmental agencies.

The bill takes effect July 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.331, 1002.332, and 1013.62.

II. Present Situation:

Charter schools are governed in law by s. 1002.33. Charter schools are public schools that operate under a charter agreement with a sponsor.[1] A charter school is typically sponsored by a district school board.[2] Charter schools are primarily owned by non-profit governing board, and may be operated on the governing board's behalf by a management company.[3]

Application

Various individuals and entities are authorized to file an application for a new charter school, including teachers, parents, a group of individuals, a municipality or a legal entity.[4] Sponsors receive and review all applications that are received on or before August 1 of each calendar year for charter schools that will open at the beginning of the next school year. Before approving or denying an application, the sponsor must allow the applicant to make technical corrections, if such errors are identified by the sponsor as cause to deny the application.[5]

Upon approval of an application, the sponsor and the charter school set forth the terms and conditions for the operation of the school in a written contract, called a charter. The sponsor has 60 days to provide an initial contract to the charter school. The sponsor and the charter school then have 75 days to negotiate and notice the contract for final approval.[6]

Operations

The Sponsor monitors the progress, revenues and expenditures of the charter school, and ensures compliance with state education goals and participation in the educational accountability system.[7] Florida law contains additional requirements aimed toward ensuring financial and performance accountability of charter schools. For example, some of the requirements are:

- Annual reporting and financial audits, and sponsor monitoring of monthly financial statements;[8]
- Participation in statewide assessments and Florida's school grading system;[9]
- Interventions for unsatisfactory academic performance and financial instability;[10]
- Reporting of student performance information to parents and the public;[11] and
- Compliance with ethical standards for employees and governing board members.[12]

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[1] s. 1002.33(7), F.S.
[2] s. 1002.33(5), F.S.
[3] ss. 1002.33(7), (9)(h)-(j),and (12)(i), F.S. Charter schools may also be owned by a state university, Florida College System institution, or municipality.
[4] s. 1002.33(3), F.S.
[5] s. 1002.33(6)(b), F.S.
[6] s. 1002.33(6)(h), F.S.
[7] s. 1002.33(5)(b), F.S.
[8] ss. 218.39(1)(e) and (f), 1002.33(9)(g) & (j), F.S.
[9] ss. 1002.33(7)(a)4. and (16)(a)2., F.S.
[10] ss. 1002.33(9)n. and 1002.345, F.S.
[11] ss. 1002.33(21)(b) and (23), F.S.
[12] ss. 1002.33(24) and (26), F.S.

Additionally, Florida law requires the identity of all relatives employed by the charter school who are related to individuals with certain decision making authority, including governing board members, to be disclosed.[13]

Charter schools must enroll all eligible students who submit a timely application, unless the number of applications exceeds the capacity. In such case, the school conducts a random selection process.[14]

Consequences

When a charter school is terminated or not renewed, unencumbered public funds revert to the sponsor while unencumbered capital outlay funds and federal charter school program grant funds revert to the department to be redistributed among eligible charter schools. [15] The charter school is responsible for all debts of the charter school.[16] The district may not assume the debt from any contract made between the governing body of the school and a third party, unless previously agreed upon in writing by both parties.[17]

There are no specific prohibitions on contractual services to be performed, or on escalation clauses, if the charter agreement expires or the school closes before the agreement expires.

III. Effect of Proposed Changes:

The bill primarily addresses areas of financial and performance accountability for charter schools.

Financial and Performance Accountability

<u>Application and Contract</u>

- Prohibits a governing board under a deteriorating financial condition, financial recovery plan or corrective action plan from being eligible to apply for a new charter school.
- Adds a requirement that the financial plan in the application must demonstrate that the applicant, or nonprofit organization that would operate the charter school, is financially qualified and capable of opening, operating and maintaining a high-quality charter school.
- Creates a requirement that charter school application must include:
  - A surety bond or letter of credit equivalent to 1% of the monthly projected budget;
  - Southern Association of Colleges and Schools (SACS) accreditation;
  - Proof that the education program will substantially replicate a high performing charter school notwithstanding different grades; or
  - Proof that the new charter school will be part of a high performing charter school system.
- Creates a requirement that the applicant may submit a draft application by May 1 and the sponsor must provide feedback by July 1.
- Confirms that the sponsor is prohibited from refusing to accept applications before August 1.

[13] s. 1002.33(7)(a)18., F.S.
[14] s. 1002.33(10)(b), F.S.
[15] s. 1002.33(8)(e) and (f), F.S.
[16] *Id*.
[17] *Id*.

- Shortens existing dates so that a sponsor has 30 days to provide the proposed charter, and the parties have 40 days to negotiate the agreement.
- Clarifies that applicable sponsor policies must be identified in the charter contract and subsequent changes to sponsor policies would not be applicable until the charter is amended.
- Adds that the Department of Education is required to create a new standard charter contract that cannot be amended; however, an applicant may request to use a nonstandard charter contract.

Operations

- Creates a requirement for a charter school to provide a uniform annual performance audit report, a detailed reporting of financial operations, and a monthly financial statement.
- Clarifies that members of a charter school board (or spouse of employee) may not be an employee of the charter school, educational service provider, or management organization.
- Clarifies ability for certain charter schools to consolidate separate charter agreements into one charter agreement.
- Adds to existing requirements by specifying that a charter school must submit a plan to sponsor before receiving federal funds, and that the sponsor has 30 days to reimburse federal funds.
- Adds that a sponsor must not require a certificate of occupancy more than 15 days before school starts.
- Adds that a sponsor must not require the charter school to identify students to be enrolled before the start of the school year as a condition of approval or renewal of the charter agreement.
- Creates authority for a school district to enter into an interlocal agreement to inspect and issue a permit or license to a charter school.
- Complies with federal grant requirements by adding that student academic achievement for all students is the most important factor in determining whether to renew or terminate a charter.
- Clarifies information that a charter school must provide to the public, specifically regarding the school, personnel, programs, and management company, as applicable.
- Adds that the charter school student election process is open to the public.

Consequences

- Prohibits a charter school that closes from spending more than $35,000 unless:
  - The sponsor approves in writing;
  - The expenditure was previously approved by the sponsor per the charter agreement; or
  - The expenditure is for reasonable attorney fees and costs during any appeal.
- Adds that a charter agreement immediately terminates when the charter school closes.
- Creates a prohibition that certain service contracts may not extend beyond closure of a charter school, and prohibits acceleration payouts.

Additional Provisions

- Creates a definition of "management company" (and like terms "service provider," "education management corporation," and "outside entity") to mean an entity hired to administer or direct operations of a public school, subject to the oversight of the governing

board. Adds a prohibition that a governing body may not hire a management company of which the governing body is a component unit.

- Creates a definition of "organize as or be operated by a nonprofit organization" to mean that a charter school must be owned by a nonprofit organization. Adds a prohibition that a for-profit organization may not have any ownership interest in a charter school.
- Creates deadlines for a high performing charter school that requests consolidation, so that the sponsor shall provide an initial draft charter to the charter school within 40 days and the parties have 50 days to negotiate the charter. Clarifies ability to seek mediation or an appeal if negotiations fail.
- Adds to existing eligibility criteria for a high performing charter school system to take into account the grade of all charter schools previously operated within the last three years, including schools not currently operated by the entity seeking high performing status.
- Deletes the option for Southern Association of Colleges and Schools accreditation as a means of obtaining capital outlay funding.
- Authorizes a Florida College System institution that operates an approved teacher preparatory program may also operate a charter school that offers elementary education.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Education on April 1, 2013:
CS/SB 1282 differs from SB 1282 in that it:

- Imposes additional provisions to further strengthen the financial and performance accountability of charter school, such as:
  - Strengthening the application and contract negotiation process to support necessary financial strength and capabilities for charter school operations.
  - Requiring applicants to disclose previous financial emergencies, Financial Recovery Plans and Corrective Action Plans.
  - Requiring additional monthly and annual reporting of financial operations.
  - Requiring the charter school's random enrollment selection process to be public.
  - Preventing service contracts (i.e., management company and employee contracts) from extending beyond the term of the charter agreement, and requires such contracts to terminate if the charter school closes before the term expires.
  - Defining "management company," "service provider," "education management organization," "outside entity," and "organize as or be operated by a nonprofit organization."
- Provides compliance with the federal charter school grant program by requiring sponsors to make student academic achievement for all students one of the most important factors in determining whether to renew or terminate a charter.
- Considers charter schools formerly operated by an entity, and the origination of charter school model, when determining status as a high performing charter school system.

CS/SB 1282 deletes from SB 1282 provisions such as:

- The requirement that a charter school's random selection process be observed by a sponsor or mutually agreed third party.
- The prohibition on a sponsor requiring a charter school to identify the names of students to be enrolled before the start of the school year as a condition of approval or renewal of the charter.
- The ability of entity that successfully operates a system of charter schools outside Florida to apply to the State Board of Education for status as a high performing charter school system and create high performing charter schools in certain situations.
- Modifications to a charter school's ability to use school district facilities.

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 Stargel

15-00440C-13 20131282__

A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; requiring policies agreed to by the sponsor and charter school to be incorporated into the charter contract; authorizing a charter school operated by a Florida College System institution to serve students in kindergarten through grade 12 if certain criteria are met; prohibiting the governing board or other related entity of a charter school subject to a corrective action plan or financial recovery plan from applying to open an additional charter school; providing disclosure requirements; revising provisions relating to the timely submission of charter school applications; providing requirements relating to the appeal of a denied application submitted by a high-performing charter school; requiring the use of a standard charter contract; reducing the amount of time for negotiation of a charter; revising provisions relating to the issuance of a final order in contract dispute cases; providing a restriction relating to a required certificate of occupancy; authorizing the consolidation of multiple charters into a single charter in certain circumstances; revising the timeline for charter schools to submit waiver of termination requests to the Department of Education; restricting expenditures upon nonrenewal or termination of a charter school; requiring a charter school to maintain specified information on a website; revising provisions relating

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to determination of a charter school's student enrollment; revising provisions requiring charter school compliance with statutes relating to education personnel compensation, contracts, and performance evaluations and workforce reductions; providing requirements for the reimbursement of federal funds to charter schools; requiring that certain unused school district facilities be made available to, or shared with, charter schools at no cost until the beginning of the fourth fiscal year the school is open, at which time the charter school shall pay the sponsor a negotiated rent for the facility; restricting capital outlay funding; requiring the use of standard charter and charter renewal contracts and a standard evaluation instrument; providing restrictions on the employment of governing board members; amending s. 1002.331, F.S.; clarifying the definition of a high-performing charter school; providing requirements for modification of a charter; requiring the Commissioner of Education to annually review a high-performing charter school's eligibility for high-performing status; authorizing declassification as a high-performing charter school; amending s. 1002.332, F.S.; revising requirements for classification as a high-performing charter school system; providing for an entity that operates outside this state to obtain high-performing charter school system status; establishing requirements to obtain such status; requiring the State Board of Education to adopt by

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59 rule a process for reviewing student demographic and
60 performance data in determining such status; requiring
61 the commissioner to annually review a high-performing
62 charter school system's eligibility for high-
63 performing status; authorizing declassification as a
64 high-performing charter school system; providing an
65 effective date.
66
67 Be It Enacted by the Legislature of the State of Florida:
68
69 Section 1. Paragraph (b) of subsection (5), paragraphs (a),
70 (b), (c), and (h) of subsection (6), paragraphs (a) and (c) of
71 subsection (7), paragraph (n) of subsection (9), paragraphs (b),
72 (h), and (i) of subsection (10), paragraph (b) of subsection
73 (16), paragraph (c) of subsection (17), paragraph (e) of
74 subsection (18), paragraph (a) of subsection (21), and
75 subsection (27) of section 1002.33, Florida Statutes, are
76 amended, and paragraphs (o) and (p) are added to subsection (9)
77 and paragraph (c) is added to subsection (26) of that section,
78 to read:
79 1002.33 Charter schools.—
80 (5) SPONSOR; DUTIES.—
81 (b) *Sponsor duties.*—
82 1.a. The sponsor shall monitor and review the charter
83 school in its progress toward the goals established in the
84 charter.
85 b. The sponsor shall monitor the revenues and expenditures
86 of the charter school and perform the duties provided in s.
87 1002.345.

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88 c. The sponsor may approve a charter for a charter school
89 before the applicant has identified space, equipment, or
90 personnel, if the applicant indicates approval is necessary for
91 it to raise working funds.
92 d. The sponsor may ~~sponsor's policies shall~~ not apply
93 policies to a charter school unless mutually agreed to by both
94 the sponsor and the charter school. Each policy agreed to by the
95 sponsor and the charter school must be incorporated into the
96 final charter contract. If the sponsor subsequently amends any
97 policy that affects charter schools, the sponsor and the charter
98 school must mutually agree to the newly revised policy and
99 incorporate the agreed-to terms into the contract through the
100 contract amendment process. The sponsor may not hold the charter
101 school responsible for any provision of a newly revised policy
102 until the policy is mutually agreed to and adopted through the
103 amendment process.
104 e. The sponsor shall ensure that the charter is innovative
105 and consistent with the state education goals established by s.
106 1000.03(5).
107 f. The sponsor shall ensure that the charter school
108 participates in the state's education accountability system. If
109 a charter school falls short of performance measures included in
110 the approved charter, the sponsor shall report such shortcomings
111 to the Department of Education.
112 g. The sponsor is ~~shall~~ not ~~be~~ liable for civil damages
113 under state law for personal injury, property damage, or death
114 resulting from an act or omission of an officer, employee,
115 agent, or governing board ~~body~~ of the charter school.
116 h. The sponsor is ~~shall~~ not ~~be~~ liable for civil damages

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

117 under state law for any employment actions taken by an officer,
118 employee, agent, or governing board ~~body~~ of the charter school.
119 i. The sponsor's duties to monitor the charter school shall
120 not constitute the basis for a private cause of action.
121 j. The sponsor may ~~shall~~ not impose additional reporting
122 requirements on a charter school without providing reasonable
123 and specific justification in writing to the charter school.
124 2. Immunity for the sponsor of a charter school under
125 subparagraph 1. applies only with respect to acts or omissions
126 not under the sponsor's direct authority as described in this
127 section.
128 3. This paragraph does not waive a district school board's
129 sovereign immunity.
130 4. A Florida College System institution may work with the
131 school district or school districts in its designated service
132 area to develop charter schools that offer secondary education.
133 These charter schools must include an option for students to
134 receive an associate degree upon high school graduation. If a
135 Florida College System institution operates an approved teacher
136 preparation program under s. 1004.04 or s. 1004.85, the
137 institution may operate no more than one charter school that
138 serves students in kindergarten through grade 12. In
139 kindergarten through grade 8, the charter school shall implement
140 innovative blended learning instructional models in which, for a
141 given course, a student learns in part through online delivery
142 of content and instruction with some element of student control
143 over time, place, path, or pace and in part at a supervised
144 physical location away from home. A student in a blended-
145 learning course must be a full-time student of the charter

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146 school and receive a portion of the online instruction in a
147 classroom setting at the charter school. District school boards
148 shall cooperate with and assist the Florida College System
149 institution on the charter application. Florida College System
150 institution applications for charter schools are not subject to
151 the time deadlines outlined in subsection (6) and may be
152 approved by the district school board at any time during the
153 year. Florida College System institutions may not report FTE for
154 any students who receive FTE funding through the Florida
155 Education Finance Program.
156 (6) APPLICATION PROCESS AND REVIEW.—Charter school
157 applications are subject to the following requirements:
158 (a) A person or entity that wants ~~wishing~~ to open a charter
159 school shall prepare and submit an application on the ~~a~~ model
160 application form prepared by the Department of Education which:
161 1. Demonstrates how the school will use the guiding
162 principles and meet the statutorily defined purpose of a charter
163 school.
164 2. Provides a detailed curriculum plan that illustrates how
165 students will be provided instruction on ~~services to attain~~ the
166 Next Generation Sunshine State Standards.
167 3. Contains goals and objectives for improving student
168 learning and measuring that improvement. These goals and
169 objectives must indicate how much academic improvement students
170 are expected to show each year, how success will be evaluated,
171 and the specific results to be attained through instruction.
172 4. Describes the reading curriculum and differentiated
173 strategies that will be used for students reading at grade level
174 or higher and a separate curriculum and strategies for students

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who are reading below grade level. A sponsor shall deny a charter if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

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

6. Discloses whether the applicant was a member of a charter school governing board or was a person with decisionmaking authority for a charter school that was subject to corrective action pursuant to subparagraph (9)(n)2., a corrective action plan pursuant to s. 1002.345(1)(c), or a financial recovery plan pursuant to s. 1002.345(2)(a). The applicant must include a detailed explanation of the circumstances requiring a corrective action plan or financial recovery plan and the resolution of the plan. However, a governing board member or other related entity of a charter school under a current corrective action plan or financial recovery plan is not eligible to apply to open an additional charter school. ~~Documents that the applicant has participated in the training required in subparagraph (f)2. A sponsor may require an applicant to provide additional information as an addendum to the charter school application described in this paragraph.~~

7. For the establishment of a virtual charter school,

documents that the applicant has contracted with a provider of virtual instruction services pursuant to s. 1002.45(1)(d).

A sponsor may require an applicant to provide additional information as an addendum to the charter school application described in this paragraph.

(b) A sponsor shall receive and review all applications for a charter school using the ~~an~~ evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted ~~applications~~ later than August 1 ~~this date~~ if it chooses. In order to facilitate greater collaboration in the application process, an applicant may submit a draft charter school application on or before May 1. If a draft application is timely submitted, the sponsor shall review and provide feedback as to any potential grounds for denial before July 1. The applicant shall then have until August 1 to resubmit a revised and final application. 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 an application upon the promise of future payment of any kind. Before approving or denying any final application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or

233 nonsubstantive corrections and clarifications, including, but
234 not limited to, corrections of grammatical, typographical, and
235 like errors or missing signatures, if such errors are identified
236 by the sponsor as cause to deny the application.
237 1. In order to facilitate an accurate budget projection
238 process, a sponsor shall be held harmless for FTE students who
239 are not included in the FTE projection due to approval of
240 charter school applications after the FTE projection deadline.
241 In a further effort to facilitate an accurate budget projection,
242 within 15 calendar days after receipt of a charter school
243 application, a sponsor shall report to the Department of
244 Education the name of the applicant entity, the proposed charter
245 school location, and its projected FTE.
246 2. In order to ensure fiscal responsibility, an application
247 for a charter school shall include a full accounting of expected
248 assets, a projection of expected sources and amounts of income,
249 including income derived from projected student enrollments and
250 from community support, and an expense projection that includes
251 full accounting of the costs of operation, including start-up
252 costs.
253 3.a. A sponsor shall by a majority vote approve or deny an
254 application within ~~no later than~~ 60 calendar days after the
255 application is received, unless the sponsor and the applicant
256 mutually agree in writing to temporarily postpone the vote to a
257 specific date, at which time the sponsor shall by a majority
258 vote approve or deny the application. If the sponsor fails to
259 act on the application, an applicant may appeal to the State
260 Board of Education as provided in paragraph (c). If an
261 application is denied, the sponsor shall, within 10 calendar

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262 days after such denial, articulate in writing the specific
263 reasons, based upon good cause, supporting its denial of the
264 charter application and shall provide the letter of denial and
265 supporting documentation to the applicant and to the Department
266 of Education.
267 b. An application submitted by a high-performing charter
268 school identified pursuant to s. 1002.331 may be denied by the
269 sponsor only if the sponsor demonstrates by clear and convincing
270 evidence that:
271 (I) The application does not materially comply with the
272 requirements in paragraph (a);
273 (II) The charter school proposed in the application does
274 not materially comply with the requirements in paragraphs
275 (9)(a)-(f);
276 (III) The proposed charter school's educational program
277 does not substantially replicate that of the applicant or one of
278 the applicant's high-performing charter schools;
279 (IV) The applicant has made a material misrepresentation or
280 false statement or concealed an essential or material fact
281 during the application process; or
282 (V) The proposed charter school's educational program and
283 financial management practices do not materially comply with the
284 requirements of this section.
285
286 Material noncompliance is a failure to follow requirements or a
287 violation of prohibitions applicable to charter school
288 applications, which failure is quantitatively or qualitatively
289 significant either individually or when aggregated with other
290 noncompliance. An applicant is considered to be replicating a

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291 high-performing charter school if the proposed school is
292 substantially similar to at least one of the applicant's high-
293 performing charter schools and the organization or individuals
294 involved in the establishment and operation of the proposed
295 school are significantly involved in the operation of replicated
296 schools.
297 c. If the sponsor denies an application submitted by a
298 high-performing charter school, the sponsor must, within 10
299 calendar days after such denial, state in writing the specific
300 reasons, based upon the criteria in sub-subparagraph b.,
301 supporting ~~its~~ denial of the application and must provide the
302 letter of denial and supporting documentation to the applicant
303 and to the Department of Education. The applicant may appeal the
304 sponsor's denial of the application ~~directly~~ to the State Board
305 of Education pursuant to paragraph (c) and must provide the
306 sponsor with a copy of the appeal ~~sub-subparagraph (c)3.b~~.
307 4. For budget projection purposes, the sponsor shall report
308 to the Department of Education the approval or denial of a
309 charter application within 10 calendar days after such approval
310 or denial. In the event of approval, the report to the
311 Department of Education shall include the final projected FTE
312 for the approved charter school.
313 5. Upon approval of a charter application, the initial
314 startup shall commence with the beginning of the public school
315 calendar for the district in which the charter is granted unless
316 the sponsor allows a waiver of this subparagraph for good cause.
317 (c)1. An applicant may appeal any denial of that
318 applicant's application or failure to act on an application to
319 the State Board of Education within ~~no later than~~ 30 calendar

320 days after receipt of the sponsor's decision or failure to act
321 and shall notify the sponsor of its appeal. Any response of the
322 sponsor shall be submitted to the State Board of Education
323 within 30 calendar days after notification of the appeal. Upon
324 receipt of notification from the State Board of Education that a
325 charter school applicant is filing an appeal, the Commissioner
326 of Education shall convene a meeting of the Charter School
327 Appeal Commission to study and make recommendations to the State
328 Board of Education regarding its pending decision about the
329 appeal. The commission shall forward its recommendation to the
330 state board within ~~no later than~~ 7 calendar days before ~~prior to~~
331 the date on which the appeal is to be heard. An appeal regarding
332 the denial of an application submitted by a high-performing
333 charter school pursuant to s. 1002.331 shall be conducted by the
334 State Board of Education in accordance with this paragraph,
335 except that the commission shall not convene to make
336 recommendations regarding the appeal. However, the Commissioner
337 of Education shall review the appeal and make a recommendation
338 to the state board.
339 2. The Charter School Appeal Commission or, in the case of
340 an appeal regarding an application submitted by a high-
341 performing charter school, the State Board of Education may
342 reject an appeal submission for failure to comply with
343 procedural rules governing the appeals process. The rejection
344 shall describe the submission errors. The appellant shall have
345 15 calendar days after notice of rejection in which to resubmit
346 an appeal that meets the requirements set forth in State Board
347 of Education rule. An appeal submitted subsequent to such
348 rejection is considered timely if the original appeal was filed

349 within 30 calendar days after receipt of notice of the specific
350 reasons for the sponsor's denial of the charter application.
351 3.a. The State Board of Education shall by majority vote
352 accept or reject the decision of the sponsor within ~~no later~~
353 ~~than~~ 90 calendar days after an appeal is filed in accordance
354 with State Board of Education rule. The State Board of Education
355 shall remand the application to the sponsor with its written
356 decision that the sponsor approve or deny the application. The
357 sponsor shall implement the decision of the State Board of
358 Education. The decision of the State Board of Education is not
359 subject to ~~the provisions of~~ the Administrative Procedure Act,
360 chapter 120.
361 b. If an appeal concerns an application submitted by a
362 high-performing charter school identified pursuant to s.
363 1002.331, the State Board of Education shall determine whether
364 the sponsor's denial of the application complies with the
365 requirements in sub-subparagraph (b)3.b. ~~sponsor has shown, by~~
366 ~~clear and convincing evidence, that:~~
367 ~~(I) The application does not materially comply with the~~
368 ~~requirements in paragraph (a);~~
369 ~~(II) The charter school proposed in the application does~~
370 ~~not materially comply with the requirements in paragraphs~~
371 ~~(9)(a)-(f);~~
372 ~~(III) The proposed charter school's educational program~~
373 ~~does not substantially replicate that of the applicant or one of~~
374 ~~the applicant's high-performing charter schools;~~
375 ~~(IV) The applicant has made a material misrepresentation or~~
376 ~~false statement or concealed an essential or material fact~~
377 ~~during the application process; or~~

378 ~~(V) The proposed charter school's educational program and~~
379 ~~financial management practices do not materially comply with the~~
380 ~~requirements of this section.~~
381
382 The State Board of Education shall approve or reject the
383 sponsor's denial of an application no later than 90 calendar
384 days after an appeal is filed in accordance with State Board of
385 Education rule. The State Board of Education shall remand the
386 application to the sponsor with its written decision that the
387 sponsor approve or deny the application. The sponsor shall
388 implement the decision of the State Board of Education. The
389 decision of the State Board of Education is not subject to the
390 Administrative Procedure Act, chapter 120.
391 (h) The terms and conditions for the operation of a charter
392 school shall be set forth by the sponsor and the applicant in a
393 written contractual agreement, called a charter. Unless the
394 applicant requests in writing that the sponsor use a nonstandard
395 charter contract, the applicant shall use the standard charter
396 adopted in state board rule pursuant to subsection (27) and the
397 application submitted by the applicant. The sponsor may not
398 omit, supplement, or amend any provision of the standard charter
399 agreement. In addition, the sponsor may not insert or append
400 attachments, addenda, or exhibits to the standard charter
401 contract. The sponsor may ~~shall~~ not impose unreasonable rules or
402 regulations that violate the intent of giving charter schools
403 greater flexibility to meet educational goals. The sponsor shall
404 have 30 ~~60~~ days after approval of the application to provide an
405 initial proposed charter contract to the charter school. The
406 applicant and the sponsor shall have 40 ~~75~~ days thereafter to

negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least 7 calendar days before ~~prior to~~ the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final-order authority to ~~may~~ rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, a charter termination, or a charter nonrenewal and shall award the prevailing party reasonable attorney ~~attorney's~~ fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.

(7) CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. 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 in which a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised physical location away from home ~~consisting of both traditional classroom and online instructional techniques~~. Charter schools may implement blended

465 learning courses that ~~which~~ combine traditional classroom
466 instruction and virtual instruction. Students in a blended
467 learning course must be full-time students of the charter school
468 and receive the online instruction in a classroom setting at the
469 charter school. Instructional personnel certified pursuant to s.
470 1012.55 who provide virtual instruction for blended learning
471 courses may be employees of the charter school or may be under
472 contract to provide instructional services to charter school
473 students. At a minimum, such instructional personnel must hold
474 an active state or school district adjunct certification under
475 s. 1012.57 for the subject area of the blended learning course.
476 The funding and performance accountability requirements for
477 blended learning courses are the same as those for traditional
478 courses.
479 3. The current incoming baseline standard of student
480 academic achievement, the outcomes to be achieved, and the
481 method of measurement that will be used. The criteria listed in
482 this subparagraph shall include a detailed description of:
483 a. How the baseline student academic achievement levels and
484 prior rates of academic progress will be established.
485 b. How these baseline rates will be compared to rates of
486 academic progress achieved by these same students while
487 attending the charter school.
488 c. To the extent possible, how these rates of progress will
489 be evaluated and compared with rates of progress of other
490 closely comparable student populations.
491
492 The district school board is required to provide academic
493 student performance data to charter schools for each of their

494 students coming from the district school system, as well as
495 rates of academic progress of comparable student populations in
496 the district school system.
497 4. The methods used to identify the educational strengths
498 and needs of students and how well educational goals and
499 performance standards are met by students attending the charter
500 school. The methods shall provide a means for the charter school
501 to ensure accountability to its constituents by analyzing
502 student performance data and by evaluating the effectiveness and
503 efficiency of its major educational programs. Students in
504 charter schools shall, at a minimum, participate in the
505 statewide assessment program created under s. 1008.22.
506 5. In secondary charter schools, a method for determining
507 that a student has satisfied the requirements for graduation in
508 s. 1003.428, s. 1003.429, or s. 1003.43.
509 6. A method for resolving conflicts between the governing
510 board of the charter school and the sponsor.
511 7. The admissions procedures and dismissal procedures,
512 including the school's code of student conduct.
513 8. The ways by which the school will achieve a
514 racial/ethnic balance reflective of the community it serves or
515 within the racial/ethnic range of other public schools in the
516 same school district.
517 9. The financial and administrative management of the
518 school, including a reasonable demonstration of the professional
519 experience or competence of those individuals or organizations
520 applying to operate the charter school or those hired or
521 retained to perform such professional services and the
522 description of clearly delineated responsibilities and the

523 policies and practices needed to effectively manage the charter
524 school. A description of internal audit procedures and
525 establishment of controls to ensure that financial resources are
526 properly managed must be included. Both public sector and
527 private sector professional experience shall be equally valid in
528 such a consideration.
529 10. The asset and liability projections required in the
530 application which are incorporated into the charter and shall be
531 compared with information provided in the annual report of the
532 charter school.
533 11. A description of procedures that identify various risks
534 and provide for a comprehensive approach to reduce the impact of
535 losses; plans to ensure the safety and security of students and
536 staff; plans to identify, minimize, and protect others from
537 violent or disruptive student behavior; and the manner in which
538 the school will be insured, including whether or not the school
539 will be required to have liability insurance, and, if so, the
540 terms and conditions thereof and the amounts of coverage.
541 12. The term of the charter, which shall provide for
542 termination ~~cancellation~~ of the charter if insufficient progress
543 has been made in attaining the student achievement objectives of
544 the charter and if it is not likely that such objectives can be
545 achieved before expiration of the charter. The initial term of a
546 charter shall be for 4 or 5 years. ~~In order to facilitate access~~
547 ~~to long-term financial resources for charter school~~
548 ~~construction,~~ Charter schools that are operated by a
549 municipality or other public entity as provided by law are
550 eligible for up to a 15-year charter, subject to approval by the
551 district school board. A charter lab school is eligible for a

552 charter for a term of up to 15 years. In addition, ~~to facilitate~~
553 ~~access to long-term financial resources for charter school~~
554 ~~construction,~~ charter schools that are operated by a private,
555 not-for-profit, s. 501(c)(3) status corporation are eligible for
556 up to a 15-year charter, subject to approval by the district
557 school board. Such long-term charters remain subject to annual
558 review and may be terminated during the term of the charter, but
559 only according to ~~the provisions set forth in~~ subsection (8).
560 13. The facilities to be used and their location. The
561 sponsor may not require a charter school to have a certificate
562 of occupancy for such a facility earlier than 15 calendar days
563 before the first day of school.
564 14. The qualifications to be required of the teachers and
565 the potential strategies used to recruit, hire, train, and
566 retain qualified staff to achieve best value.
567 15. The governance structure of the school, including the
568 status of the charter school as a public or private employer as
569 required in paragraph (12)(i).
570 16. A timetable for implementing the charter which
571 addresses the implementation of each element thereof and the
572 date by which the charter shall be awarded in order to meet this
573 timetable.
574 17. In the case of an existing public school that is being
575 converted to charter status, alternative arrangements for
576 current students who choose not to attend the charter school and
577 for current teachers who choose not to teach in the charter
578 school after conversion in accordance with the existing
579 collective bargaining agreement or district school board rule in
580 the absence of a collective bargaining agreement. However,

581 alternative arrangements shall not be required for current
582 teachers who choose not to teach in a charter lab school, except
583 as authorized by the employment policies of the state university
584 which grants the charter to the lab school.
585 18. Full disclosure of the identity of all relatives
586 employed by the charter school who are related to the charter
587 school owner, president, chairperson of the governing board of
588 directors, superintendent, governing board member, principal,
589 assistant principal, or any other person employed by the charter
590 school who has equivalent decisionmaking authority. For the
591 purpose of this subparagraph, the term "relative" means father,
592 mother, son, daughter, brother, sister, uncle, aunt, first
593 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
594 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
595 stepfather, stepmother, stepson, stepdaughter, stepbrother,
596 stepsister, half brother, or half sister.
597 19. Implementation of the activities authorized under s.
598 1002.331 by the charter school when it satisfies the eligibility
599 requirements for a high-performing charter school. A high-
600 performing charter school shall notify its sponsor in writing by
601 March 1 if it intends to increase enrollment or expand grade
602 levels the following school year. The written notice shall
603 specify the amount of the enrollment increase and the grade
604 levels that will be added, as applicable.
605 (c) A charter may be modified during its initial term or
606 any renewal term upon the recommendation of the sponsor or the
607 charter school's governing board and the approval of both
608 parties to the agreement. Modification may include, but is not
609 limited to, consolidation of multiple charters into a single

610 charter if the charters are operated under the same governing
611 board and physically located on the same campus, regardless of
612 the renewal cycle.
613 (9) CHARTER SCHOOL REQUIREMENTS.—
614 (n)1. The director and a representative of the governing
615 board of a charter school that has earned a grade of "D" or "F"
616 pursuant to s. 1008.34(2) shall appear before the sponsor to
617 present information concerning each contract component having
618 noted deficiencies. The director and a representative of the
619 governing board shall submit to the sponsor for approval a
620 school improvement plan to raise student achievement. Upon
621 approval by the sponsor, the charter school shall begin
622 implementation of the school improvement plan. The department
623 shall offer technical assistance and training to the charter
624 school and its governing board and establish guidelines for
625 developing, submitting, and approving such plans.
626 2.a. If a charter school earns three consecutive grades of
627 "D," two consecutive grades of "D" followed by a grade of "F,"
628 or two nonconsecutive grades of "F" within a 3-year period, the
629 charter school governing board shall choose one of the following
630 corrective actions:
631 (I) Contract for educational services to be provided
632 directly to students, instructional personnel, and school
633 administrators, as prescribed in state board rule;
634 (II) Contract with an outside entity that has a
635 demonstrated record of effectiveness to operate the school;
636 (III) Reorganize the school under a new director or
637 principal who is authorized to hire new staff; or
638 (IV) Voluntarily close the charter school.

639 b. The charter school must implement the corrective action
640 in the school year following receipt of a third consecutive
641 grade of "D," a grade of "F" following two consecutive grades of
642 "D," or a second nonconsecutive grade of "F" within a 3-year
643 period.
644 c. The sponsor may annually waive a corrective action if it
645 determines that the charter school is likely to improve a letter
646 grade if additional time is provided to implement the
647 intervention and support strategies prescribed by the school
648 improvement plan. Notwithstanding this sub-subparagraph, a
649 charter school that earns a second consecutive grade of "F" is
650 subject to subparagraph 4.
651 d. A charter school is no longer required to implement a
652 corrective action if it improves by at least one letter grade.
653 However, the charter school must continue to implement
654 strategies identified in the school improvement plan. The
655 sponsor must annually review implementation of the school
656 improvement plan to monitor the school's continued improvement
657 pursuant to subparagraph 5.
658 e. A charter school implementing a corrective action that
659 does not improve by at least one letter grade after 2 full
660 school years of implementing the corrective action must select a
661 different corrective action. Implementation of the new
662 corrective action must begin in the school year following the
663 implementation period of the existing corrective action, unless
664 the sponsor determines that the charter school is likely to
665 improve a letter grade if additional time is provided to
666 implement the existing corrective action. Notwithstanding this
667 sub-subparagraph, a charter school that earns a second

668 consecutive grade of "F" while implementing a corrective action
669 is subject to subparagraph 4.
670 3. A charter school with a grade of "D" or "F" that
671 improves by at least one letter grade must continue to implement
672 the strategies identified in the school improvement plan. The
673 sponsor must annually review implementation of the school
674 improvement plan to monitor the school's continued improvement
675 pursuant to subparagraph 5.
676 4. The sponsor shall terminate a charter if the charter
677 school earns two consecutive grades of "F" unless:
678 a. The charter school is established to turn around the
679 performance of a district public school pursuant to s.
680 1008.33(4)(b)3. Such charter schools shall be governed by s.
681 1008.33;
682 b. The charter school serves a student population the
683 majority of which resides in a school zone served by a district
684 public school that earned a grade of "F" in the year before the
685 charter school opened and the charter school earns at least a
686 grade of "D" in its third year of operation. The exception
687 provided under this sub-subparagraph does not apply to a charter
688 school in its fourth year of operation and thereafter; or
689 c. The state board grants the charter school a waiver of
690 termination. The charter school must request the waiver within
691 15 ~~30~~ days after the department's official release ~~completion~~ of
692 school grades ~~grade appeals~~. The state board may waive
693 termination if the charter school demonstrates that the learning
694 gains of its students on statewide assessments are comparable to
695 or better than the learning gains of similarly situated students
696 enrolled in nearby district public schools. The waiver is valid

697 for 1 year and may only be granted once. Charter schools that
698 have been in operation for more than 5 years are not eligible
699 for a waiver under this sub-subparagraph.
700 5. The director and a representative of the governing board
701 of a graded charter school that has implemented a school
702 improvement plan under this paragraph shall appear before the
703 sponsor at least once a year to present information regarding
704 the progress of intervention and support strategies implemented
705 by the school pursuant to the school improvement plan and
706 corrective actions, if applicable. The sponsor shall communicate
707 at the meeting, and in writing to the director, the services
708 provided to the school to help the school address its
709 deficiencies.
710 6. Notwithstanding any provision of this paragraph except
711 sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
712 at any time pursuant to subsection (8).
713 (o) Upon notification of nonrenewal or termination of its
714 charter, a charter school may not expend more than $10,000
715 without prior written approval from the sponsor, unless such
716 expenditure was included within the annual budget submitted to
717 the sponsor pursuant to the charter contract or such expenditure
718 is for reasonable attorney fees and costs during the pendency of
719 any appeal.
720 (p) Each charter school shall maintain a website that
721 enables the public to obtain information regarding the school,
722 its personnel, and its programs. The website shall include
723 information or online links to information regarding any entity
724 that owns, operates, or manages the school, including any
725 nonprofit or for-profit entity; the names of all governing

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726 officers and administrative personnel of the entity; and any
727 fees the school pays to the entity. The information or online
728 links must be prominently displayed and easily accessible to
729 visitors of the website.
730 (10) ELIGIBLE STUDENTS.—
731 (b) The charter school shall enroll an eligible student who
732 submits a timely application, unless the number of applications
733 exceeds the capacity of a program, class, grade level, or
734 building. In such case, all applicants shall have an equal
735 chance of being admitted through a random selection process
736 observed by the sponsor or a third party mutually agreed to by
737 the charter school and sponsor.
738 (h) The capacity of the charter school shall be determined
739 annually by the governing board, in conjunction with the
740 sponsor, of the charter school in consideration of the factors
741 identified in this subsection unless the charter school is
742 designated as a high-performing charter school pursuant to s.
743 1002.331. A sponsor may not require a charter school to waive
744 the provisions of s. 1002.331 or require a student enrollment
745 cap that prohibits a high-performing charter school from
746 increasing enrollment ~~in accordance with s. 1002.331(2)~~ as a
747 condition of approval or renewal of a charter.
748 (i) The capacity of a high-performing charter school
749 identified pursuant to s. 1002.331 shall be determined annually
750 by the governing board of the charter school. The governing
751 board shall notify the sponsor of any increase in enrollment by
752 March 1 of the school year preceding the increase. A sponsor may
753 not require a charter school to identify the names of students
754 to be enrolled or to enroll those students before the start of

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755 the school year as a condition of approval or renewal of a
756 charter. A sponsor may not require a high-performing charter
757 school to waive its rights to determine its own student
758 enrollment capacity.
759 (16) EXEMPTION FROM STATUTES.—
760 (b) Additionally, a charter school shall be in compliance
761 with the following statutes:
762 1. Section 286.011, relating to public meetings and
763 records, public inspection, and criminal and civil penalties.
764 2. Chapter 119, relating to public records.
765 3. Section 1003.03, relating to the maximum class size,
766 except that the calculation for compliance pursuant to s.
767 1003.03 shall be the average at the school level.
768 4. Section 1012.22(1)(c)5.b. ~~1012.22(1)(c)~~, relating to the
769 implementation of a compensation system that requires annual
770 salary adjustments for instructional personnel to be based upon
771 performance ~~and salary schedules~~.
772 5. Section 1012.33(5), relating to workforce reductions, if
773 the charter school awards contracts to instructional personnel
774 and the term of a contract exceeds 1 year.
775 6. Section 1012.335, relating to contracts with
776 instructional personnel hired on or after July 1, 2011, if the
777 charter school awards contracts to instructional personnel and
778 the term of a contract exceeds 1 year.
779 7. Section 1012.34(2), (3), and (7) ~~1012.34~~, relating to
780 ~~the substantive requirements for~~ performance evaluations for
781 instructional personnel and school administrators. For purposes
782 of compliance with this subparagraph, the duties assigned to a
783 district school superintendent apply to a charter school

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784 principal or his or her equivalent, and the duties assigned to a
785 district school board apply to a charter school's governing
786 board.
787 (17) FUNDING.—Students enrolled in a charter school,
788 regardless of the sponsorship, shall be funded as if they are in
789 a basic program or a special program, the same as students
790 enrolled in other public schools in the school district. Funding
791 for a charter lab school shall be as provided in s. 1002.32.
792 (c) If the district school board is providing programs or
793 services to students funded by federal funds, any eligible
794 students enrolled in charter schools in the school district
795 shall be provided federal funds for the same level of service
796 provided students in the schools operated by the district school
797 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
798 charter schools shall receive all federal funding for which the
799 school is otherwise eligible, including Title I funding, not
800 later than 5 months after the charter school first opens and
801 within 5 months after any subsequent expansion of enrollment.
802 Unless otherwise mutually agreed to by the charter school and
803 its sponsor, and consistent with state and federal rules and
804 regulations governing the use and disbursement of federal funds,
805 the sponsor shall reimburse the charter school on a monthly
806 basis for all invoices submitted by the charter school for
807 federal funds available to the sponsor for the benefit of the
808 charter school, the charter school's students, and the charter
809 school's students as public school students in the school
810 district. Such federal funds include, but are not limited to,
811 Title I, Title II, and Individuals with Disabilities Education
812 Act (IDEA) funds. To receive timely reimbursement for an

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813 invoice, the charter school must submit the invoice to the
814 sponsor at least 30 days before the monthly date of
815 reimbursement set by the sponsor. In order to be reimbursed, any
816 expenditure made by the charter school must comply with all
817 applicable state and federal rules and regulations, including,
818 but not limited to, the applicable federal Office of Management
819 and Budget Circulars, the federal Education Department General
820 Administrative Regulations, and program-specific statutes,
821 rules, and regulations. Such funds may not be made available to
822 the charter school until a plan is submitted to the sponsor for
823 approval of the use of the funds in accordance with applicable
824 federal requirements. The sponsor has 30 days to review and
825 approve any plan submitted pursuant to this paragraph.
826 (18) FACILITIES.—
827 (e) If a district school board-owned ~~board~~ facility that
828 previously has been used for K-12 educational purposes ~~or~~
829 ~~property~~ is ~~available because it is surplus, marked for~~
830 ~~disposal, or otherwise~~ unused, it shall be made available
831 ~~provided~~ for a charter school's use at no cost until the
832 beginning of the fourth fiscal year the school is open, at which
833 time the charter school shall pay the sponsor a negotiated rent
834 for the facility, which may not exceed fair market value ~~on the~~
835 ~~same basis as it is made available to other public schools in~~
836 ~~the district~~. If the facility was used as a K-12 public school
837 in the previous school year, as a condition of using such a
838 facility, the charter school shall agree to target students who
839 had been assigned to that public school the previous school year
840 and to enroll a sufficient number of students to ensure that the
841 facility will be used at a greater capacity than it had been

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842 used in the previous school year. A district school board-owned
843 facility that is being used at less than 50 percent of its
844 Florida Inventory of School Houses (FISH) student capacity shall
845 be shared with the charter school at no cost until the beginning
846 of the fourth fiscal year the charter school is open, at which
847 time the charter school shall pay the sponsor a negotiated rent
848 for the facility which may not exceed fair market value. The
849 district school board may give priority for the use of such
850 facility to charter schools and charter school operators with a
851 proven record of academic success. A charter school using such a
852 facility ~~receiving property from the school district~~ may not
853 sell, sublease, or dispose of such facility ~~property~~ without
854 written permission of the school district. The charter school
855 may not earn capital outlay funds; however, the school district
856 shall include the charter school's capital outlay full-time
857 equivalent (COFTE) student count in the district's capital
858 outlay calculations. The sponsor shall maintain the facility at
859 the same standard and level it would maintain any other
860 district-operated school similar in age and condition.
861 Maintenance does not include capital improvements. Similarly,
862 for an existing public school converting to charter status, no
863 rental or leasing fee for the existing facility or for the
864 property normally inventoried to the conversion school may be
865 charged by the district school board to the parents and teachers
866 organizing the charter school. The charter school shall agree to
867 reasonable maintenance provisions in order to maintain the
868 facility in a manner similar to district school board standards.
869 The Public Education Capital Outlay maintenance funds or any
870 other maintenance funds generated by the facility operated as a

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871 conversion school shall remain with the conversion school.
872 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—
873 (a) The Department of Education shall provide information
874 to the public, directly and through sponsors, on how to form and
875 operate a charter school and how to enroll in a charter school
876 once it is created. This information shall include a model
877 ~~standard~~ application form ~~format~~, standard charter contract
878 ~~format~~, standard evaluation instrument, and standard charter
879 renewal contract ~~format~~, which shall include the information
880 specified in subsection (7) and shall be developed by consulting
881 and negotiating with both school districts and charter schools
882 before implementation. The charter and charter renewal contracts
883 ~~formats~~ shall be used by charter school sponsors.
884 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—
885 (c) An employee of the charter school, or his or her
886 spouse, or an employee of a charter management organization, or
887 his or her spouse, may not be a member of a governing board of a
888 charter school.
889 (27) RULEMAKING.—The Department of Education, after
890 consultation with school districts and charter school directors,
891 shall recommend that the State Board of Education adopt rules to
892 implement specific subsections of this section. Such rules shall
893 require minimum paperwork and shall not limit charter school
894 flexibility authorized by statute. The State Board of Education
895 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
896 implement a charter model application form, standard evaluation
897 instrument, and standard charter and charter renewal contracts
898 ~~formats~~ in accordance with this section.
899 Section 2. Paragraph (d) is added to subsection (1) of

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900 section 1002.331, Florida Statutes, and subsections (2), (4),
901 and (5) of that section are amended, to read:
902 1002.331 High-performing charter schools.—
903 (1) A charter school is a high-performing charter school if
904 it:
905 (d) Is established primarily to serve students in the
906 attendance zone of a school in need of intervention and support
907 services pursuant to s. 1008.33(3)(b) if it is operated by an
908 entity deemed to be a high-performing charter school system by
909 the State Board of Education pursuant to s. 1002.332(1)(c).
910
911 A virtual charter school established under s. 1002.33 is not
912 eligible for designation as a high-performing charter school.
913 (2) A high-performing charter school is authorized to:
914 ~~(a) Increase its student enrollment once per school year by~~
915 ~~up to 15 percent more than the capacity identified in the~~
916 ~~charter.~~
917 (a) ~~(b)~~ Expand grade levels within kindergarten through
918 grade 12 to add grade levels not already served ~~if any annual~~
919 ~~enrollment increase resulting from grade level expansion is~~
920 ~~within the limit established in paragraph (a)~~.
921 (b) ~~(c)~~ Submit a quarterly, rather than a monthly, financial
922 statement to the sponsor pursuant to s. 1002.33(9)(g).
923 (c) ~~(d)~~ Consolidate under a single charter the charters of
924 multiple high-performing charter schools operated in the same
925 school district by the charter schools' governing board
926 regardless of the renewal cycle.
927 (d) ~~(e)~~ Receive a modification of its charter to a term of
928 15 years or a 15-year charter renewal. The charter may be

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929 modified or renewed for a shorter term at the option of the
930 high-performing charter school. The charter must be consistent
931 with s. 1002.33(7)(a)19. and (10)(h) ~~and (i)~~, is subject to
932 annual review by the sponsor, and may be terminated during its
933 term pursuant to s. 1002.33(8).
934
935 A high-performing charter school shall notify its sponsor in
936 writing by March 1 if it intends to increase enrollment or
937 expand grade levels the following school year. The written
938 notice shall specify the amount of the enrollment increase and
939 the grade levels that will be added, as applicable. If a high-
940 performing charter school requests to consolidate multiple
941 charters or to modify its charter pursuant to this subsection,
942 the sponsor shall have 40 days after receipt of that request to
943 provide an initial draft charter to the charter school. The
944 sponsor and charter school shall have 50 days thereafter to
945 negotiate and notice the charter contract for final approval by
946 the sponsor.
947 (4) A high-performing charter school may not increase
948 enrollment or expand grade levels following any school year in
949 which it receives a school grade of "C" or below. If the charter
950 school receives a school grade of "C" or below in any 2 years
951 during the term of the charter awarded under subsection (2), the
952 term of the charter may be modified by the sponsor ~~and the~~
953 ~~charter school loses its high-performing charter school status~~
954 ~~until it regains that status under subsection (1)~~.
955 (5) The Commissioner of Education, upon request by a
956 charter school, shall verify that the charter school meets the
957 criteria in subsection (1) and provide a letter to the charter

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958 school and the sponsor stating that the charter school is a
959 high-performing charter school pursuant to this section. The
960 commissioner shall annually determine whether a high-performing
961 charter school continues to meet the criteria in subsection (1).
962 A high-performing charter school shall maintain its high-
963 performing status unless the commissioner determines that the
964 charter school no longer meets the criteria in subsection (1),
965 at which time the commissioner shall send a letter providing
966 notification of its declassification as a high-performing
967 charter school.
968 Section 3. Paragraph (b) of subsection (1) and paragraph
969 (a) of subsection (2) of section 1002.332, Florida Statutes, are
970 amended, and paragraph (c) is added to subsection (1) of that
971 section, to read:
972 1002.332 High-performing charter school system.—
973 (1) For purposes of this section, the term:
974 (b) "High-performing charter school system" means an entity
975 that:
976 1. Operated ~~Operates~~ at least three high-performing charter
977 schools in the state during each of the previous 3 school years;
978 2. Operated ~~Operates~~ a system of charter schools in which
979 at least 50 percent of the charter schools were ~~are~~ high-
980 performing charter schools pursuant to s. 1002.331 and no
981 charter school earned a school grade of "D" or "F" pursuant to
982 s. 1008.34 in any of the previous 3 school years, except that:
983 a. If the entity ~~has~~ assumed operation of a public school
984 pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that
985 school's grade may not be considered in determining high-
986 performing charter school system status for a period of 3 years.

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987 b. If the entity established ~~establishes~~ a new charter
988 school that served ~~serves~~ a student population the majority of
989 which resided ~~resides~~ in a school zone served by a public school
990 that earned a grade of "F" or three consecutive grades of "D"
991 pursuant to s. 1008.34, that charter school's grade may not be
992 considered in determining high-performing charter school system
993 status if it attained ~~attains~~ and maintained ~~maintains~~ a school
994 grade that was ~~is~~ higher than that of the public school serving
995 that school zone within 3 years after establishment; and
996 3. Did ~~Has~~ not receive ~~received~~ a financial audit that
997 revealed one or more of the financial emergency conditions set
998 forth in s. 218.503(1) for any charter school assumed or
999 established by the entity in the most recent 3 fiscal years for
1000 which such audits are available.
1001 (c) An entity that successfully operates a system of
1002 charter schools outside the state may apply to the State Board
1003 of Education for status as a high-performing charter school
1004 system solely for the purpose of establishing a charter school
1005 that primarily serves students in the attendance zone of a
1006 school identified in need of intervention and support services
1007 pursuant to s. 1008.33(3)(b). The State Board of Education shall
1008 adopt by rule a process for determining whether the entity meets
1009 the requirements of this paragraph by reviewing student
1010 demographic and performance data from each school that is
1011 operated by the entity.
1012 (2)(a) The Commissioner of Education~~, upon request by an~~
1013 ~~entity,~~ shall verify all charter schools served by the entity
1014 and verify that the entity meets the criteria in subsection (1)
1015 for the previous ~~prior~~ school year and provide a letter to the

1016 entity stating that it is a high-performing charter school
1017 system. The commissioner shall annually determine whether a
1018 high-performing charter school system continues to meet the
1019 criteria in subsection (1). A high-performing charter school
1020 system shall maintain its high-performing status unless the
1021 commissioner determines that the charter school system no longer
1022 meets the criteria in subsection (1), at which time the
1023 commissioner shall send a letter providing notification of its
1024 declassification as a high-performing charter school system.
1025 Section 4. This act shall take effect July 1, 2013.

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: Charter School

Bill Number: PCS ISB 1282 *(if applicable)*

Name: Tallie L. Gainer III

Amendment Barcode: *(if applicable)*

Job Title: Teacher

Address: 12029 Cedar Bluff
Street

Tallahassee FL 32312
City *State* *Zip*

Phone: 850-567-5574

E-mail: tgainer@gmail.com

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

Representing: Charter Schools

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

7/1/2013
Meeting Date

Topic: Char Schools

Bill Number: PCB / SB 1282 *(if applicable)*

Name: Cameron A Hawk

Amendment Barcode: — *(if applicable)*

Job Title: Student

Address: 6278 Riverslanding Ct 32303
Street

Tallahassee FL 32303
City *State* *Zip*

Phone: (850) 345-9824

E-mail: Cameronhawk17@yahoo.com

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

Representing: Char Schools

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

04/01/13
Meeting Date

Topic: Charter Schools

Bill Number: PCB/SB 1282 *(if applicable)*

Name: Alan Rosier

Amendment Barcode: — *(if applicable)*

Job Title: School Leader / Principal

Address: 324 North Adams St
Street

Tallahassee FL 32301
City *State* *Zip*

Phone: 850-807-4557

E-mail: arosier@maverickschoolseducation.com

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

Representing: Myself

Appearing at request of Chair: [ ] Yes [x] 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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/2013
Meeting Date

Topic _____ Bill Number 1282 *(if applicable)*

Name JIM HORNE Amendment Barcode _____ *(if applicable)*

Job Title _____

Address 200 W COLLEGE
Street

TALL FL 32301
City *State* *Zip*

Phone 904-579-4596

E-mail _____

Speaking: [✓] For [ ] Against [ ] Information

Representing AIF & FL CHARTER SCHOOL ALLIANCE

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

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

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: Charter Schools

Bill Number: 1282 *(if applicable)*

Name: Sara Clements

Amendment Barcode: _____ *(if applicable)*

Job Title: Legislative Analyst

Address: 215 S. Monroe St.
Street

Tallahassee, FL
City, State, Zip

Phone: 850-391-0329

E-mail: sara@aflorida promise.org

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

Representing: Foundation for Florida

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.

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

S-001 (10/20/11)

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 1302

INTRODUCER: Senator Garcia

SUBJECT: Temporary Certificates for Visiting Physicians

DATE: April 1, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	**Fav/1 amendment**
2.	Harkey	Klebacha	ED	**Favorable**
3.			BI	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....		Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
	x	Amendments were recommended
		Significant amendments were recommended

I. Summary:

SB 1302 amends the requirements for issuance of a temporary certificate for visiting physicians to obtain medical privileges. The bill modifies the type of training programs and educational symposiums for which a medical doctor may seek a temporary certificate and identifies additional accredited entities that would qualify as an eligible organization to provide an educational or training program.

The types of training programs for visiting faculty are expanded beyond the current subject matter of plastic surgery to include other medical or surgical training programs. The types of entities that may sponsor the training programs are expanded to recognize additional organizations and would include any other medical or surgical society in conjunction with a medical school or teaching hospital as defined in s. 408.07, F.S.

Temporary certificates will be issued on a per symposium basis rather than a fixed number per year and are set to 12 per symposium. The number of days that each temporary certificate is valid is also increased from 3 days per year to 5, and the certificate expires 1 year after issuance.

This bill takes effect July 1, 2013.

This bill amends s. 458.3137, Florida Statutes.

II. Present Situation:

Chapter 458, F.S., provides for the regulation of the practice of medicine by the Board of Medicine. Any person who wishes to practice as a medical physician must be licensed and meet specified criteria which include[1]:

- Being at least 21 years of age;
- Being of good moral character;
- Not having committed any act or offense in this or any other jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331, F.S.;
- Completion of the equivalent of 2 academic years of pre-professional, postsecondary education with certain minimum courses prior to entering medical school;
- Meeting certain medical education and post graduate training requirements;
- Submitting fingerprints and a background check to the Department of Health (DOH); and, Obtaining a passing score on a specified medical licensure examination.

Section 458.3145(6), F.S., provides requirements for a distinguished scholar to be issued a temporary medical faculty certificate to teach for a time-limited period at a medical school or teaching hospital. The certificate may be issued to a physician who has been requested by the dean of an accredited medical school or the medical director of a statutory teaching hospital within the state to practice only within that facility or its affiliated clinical facilities. The certificate-holder must demonstrate financial responsibility by either having medical malpractice insurance, holding an escrow account or a letter of credit in the specified amounts required by s. 458.320, F.S., or be exempt from the financial responsibility requirements as an officer, employee, or agent of the federal or state government.

Section 458.3135, F.S., provides a mechanism for the issuance of temporary certificates to visiting international physicians who may practice in board-approved cancer centers. Such visiting physicians are under training under the direct supervision of a physician or under contract with an approved cancer center for a period of no more than 1 year. To be issued a temporary certificate without an examination, the visiting international physician must be an individual who:

- Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;
- Holds a valid, unencumbered license to practice medicine in another country;
- Has completed the application form and remitted the nonrefundable fee;
- Meets the financial responsibility requirements of s. 458.320, F.S.; and
- Has been accepted for a course of training by a cancer center approved by the Board of Medicine.

[1] See s. 458.311, F.S.

A recipient of a temporary certificate is exempt from the practitioner profiling requirements, but all other provisions of ch. 456 or ch. 458, F.S. apply. The maximum number of temporary certificates that may be issued by the board may not exceed 10 per each cancer center.

Grounds for Physician Discipline
Chapter 456, F.S., contains the general regulatory provisions for health care professions and occupations under the Division of Medical Quality Assurance in the DOH. Section 456.072, F.S., specifies 40 acts that constitute grounds for which disciplinary actions may be taken against a health care practitioner. The various disciplinary actions that may be taken are also specified in this section. Section 458.331, F.S., identifies 43 acts that constitute grounds for which disciplinary actions may be taken against a medical physician.

Financial Responsibility
Section 458.320, F.S., requires Florida-licensed allopathic physicians to maintain professional liability insurance or other financial responsibility to cover potential claims for medical malpractice as a condition of licensure, with specified exemptions. Under s. 458.320(2), F.S., physicians who perform surgeries in a certain setting or have hospital privileges must maintain professional liability insurance or other financial responsibility to cover an amount not less than $250,000 per claim. Physicians without hospital privileges, under s. 458.320(1), F.S., must carry sufficient insurance or other financial responsibility in coverage amounts of not less than $100,000 per claim. Physicians who do not carry professional liability insurance must provide notice to their patients. A physician is said to be "going bare" when that physician has elected not to carry professional liability insurance. Physicians who go bare must either provide notice by posting a sign which is prominently displayed in the reception area and clearly noticeable by all parties or provide a written statement to each patient. Under s. 458.320(5), F.S., such sign or statement must specifically state:

> Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

Florida-licensed osteopathic physicians have similar financial responsibility requirements under s. 459.0085, F.S. With specified exceptions, the DOH must suspend on an emergency basis, any licensed allopathic or osteopathic physician who fails to satisfy a medical malpractice claim against him or her within specified time frames.[2]

III. Effect of Proposed Changes:

This bill modifies the conditions under which a temporary certificate for visiting physicians for instructional purposes may be granted. The bill expands the type of training programs eligible for temporary certificates to include other medical and surgical training programs, not just plastic surgery educational symposiums. The bill provides an expanded list of acceptable affiliations

[2] ss. 458.320(8) and 459.0085(9), F.S.

that the training programs may be associated with, including the following: a medical or surgical training program associated with a medical school in this state that is accredited by the American Council for Graduate Medical Education, the American Osteopathic Association, or one that is part of a teaching hospital as defined in s. 408.07, F.S. The bill expands the types of symposiums a physician could be invited to by providing that a physician could be invited to an event cosponsored by the American Society of Plastic Surgeons, the Plastic Surgery Educational Foundation, the American Society for Aesthetic Plastic Surgery, or any other medical or surgical society in conjunction with a medical school or teaching hospital. Currently, only symposiums related to plastic surgery are covered under the temporary certificates.

The bill authorizes the temporary certificate without examination for educational purposes to help teach plastic surgery or other medical and surgical procedures in training programs affiliated with medical schools that are accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or that is part of a teaching hospital, or to residents of a state medical school, or if part of an educational symposium held by a state medical school or teaching hospital. This modification expands the type of procedures and the accrediting organizations for the educational symposiums covered under the temporary certificates.

The bill modifies the requirement that the individual be an expert in plastic surgery or another field of medicine or surgery to conform to other changes in the statute. The individual physician seeking the temporary certificate must also be applying in connection with one of the training programs covered by this section of law.

The bill authorizes the DOH to issue up to 12 temporary certificates for a single educational symposium. Each temporary certificate is valid for up to 5 days. Current law limits the DOH to issuing 6 certificates per year with each certificate valid for no more than 3 days per year. Certificates expire 1 year after issuance.

The bill modifies the requirements for proof of financial responsibility for medical malpractice for physicians holding a temporary certificate by providing as an additional option for physicians not licensed in this country proof that the physician is covered under a teaching hospital's or a medical school's medical malpractice insurance. The amount of the bond, certificate of deposit, or guaranteed letter of credit continues to be at least $250,000.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Applicants for the temporary certificate to practice medicine to help teach plastic surgery, other medical or surgical training programs in conjunction with a nationally sponsored educational symposium will be required to pay an application fee of no more than $300.

B. Private Sector Impact:

By expanding the temporary certificates to other medical and surgical training programs, additional educational symposiums may choose Florida as their location for their next conference.

C. Government Sector Impact:

The DOH implemented the original bill in 2003. While this bill expands the number of certificates that could be issued per year, the DOH's fiscal analysis indicates that impact is indeterminate as the number of applications that could be received is unknown.[2]

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill includes training programs affiliated with a medical school that is accredited by the American Osteopathic Association; however, only ch. 458, F.S., related to the allopathic medical act is included in the bill. Additionally, references to disciplinary action and financial responsibility only include ch. 458, F.S. Osteopathic physicians are specifically regulated under ch. 459, F.S.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

Barcode 516098 by Health Policy on March 14, 2013: The amendment authorizes medical schools to provide medical malpractice insurance for visiting foreign physicians who are seeking a temporary certificate.

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

By Senator Garcia

38-01205A-13 20131302__

A bill to be entitled

An act relating to temporary certificates for visiting physicians; amending s. 458.3137, F.S.; providing that a physician who has been invited by certain medical or surgical training programs or educational symposiums may be issued a temporary certificate for limited privileges solely to provide educational training; modifying criteria; revising the requirements for proof of medical malpractice insurance; providing an effective date.

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

Section 1. Section 458.3137, Florida Statutes, is amended to read:

458.3137 Temporary certificate for visiting physicians to obtain medical privileges for instructional purposes in conjunction with certain plastic surgery or other medical or surgical training programs and ~~plastic surgery~~ educational symposiums.~~—~~

(1) A ~~any~~ physician who has been invited by ~~both~~:

(a) A plastic surgery or other medical or surgical training program ~~that is~~ affiliated with a medical school in ~~within~~ this state which ~~that~~ is accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or which is part of a teaching hospital as defined in s. 408.07; or ~~and~~

(b) An educational symposium cosponsored by the American Society of Plastic Surgeons, the Plastic Surgery Educational

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

38-01205A-13 20131302__

Foundation, ~~or~~ the American Society for Aesthetic Plastic Surgery, or any other medical or surgical society in conjunction with a medical school or teaching hospital as defined in s. 408.07,

may be issued a temporary certificate for limited privileges solely for purposes of providing educational training in plastic surgery or other medical or surgical procedures, as appropriate, in accordance with the restrictions set forth in this section.

(2) A temporary certificate to practice medicine for educational purposes to help teach plastic surgery or other medical or surgical procedures to residents in a training program affiliated with a medical school that is accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or that is part of a teaching hospital, or to residents of a medical school within this state in conjunction with a nationally sponsored educational symposium or an educational symposium held by a state medical school or teaching hospital, may be issued without examination, upon verification by the board that the individual ~~meets all of the following requirements~~:

(a) Is a graduate of an accredited medical school or its equivalent or is a graduate of a foreign medical school listed with the World Health Organization.

(b) Holds a valid and unencumbered license to practice medicine in another state or country.

(c) Is a recognized expert in a specific area of plastic surgery or another field of medicine or surgery, as demonstrated by peer-reviewed publications, invited lectureships, and

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

59 academic affiliations.
60 (d) Has completed an application form adopted by the board
61 and remitted a nonrefundable application fee not to exceed $300.
62 (e) Has not committed an act in this or any other
63 jurisdiction that would constitute a basis for disciplining a
64 physician under s. 456.072 or s. 458.331.
65 (f) Meets the financial responsibility requirements of s.
66 458.320(1) or (2).
67 (g) Is applying only in connection with a training program
68 or an educational symposium as described in subsection (1) ~~both~~
69 ~~a medical school within this state that is accredited by the~~
70 ~~Accreditation Council for Graduate Medical Education and an~~
71 ~~educational symposium sponsored by the American Society of~~
72 ~~Plastic Surgeons, the Plastic Surgery Educational Foundation, or~~
73 ~~the American Society for Aesthetic Plastic Surgery~~.
74 (3) A temporary certificate issued under this section is
75 valid for up to 5 ~~no more than 3~~ days per year~~,~~ and ~~such~~
76 ~~certificate~~ expires 1 year after issuance.
77 (4) The department may ~~shall~~ not issue more than 12 ~~six~~
78 temporary certificates for a single educational symposium under
79 this section ~~per calendar year~~.
80 (5) In order for a physician who is a graduate of a foreign
81 medical school and holds a valid and unencumbered license to
82 practice medicine in another country but does not hold a license
83 to practice medicine in this or another state to obtain a
84 temporary certificate under this section, the organization
85 sponsoring the educational symposium must pay for any medical
86 judgments incurred by that physician by obtaining a surety bond
87 issued by a surety company authorized to do business in this

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

88 state, by ~~or~~ establishing a certificate of deposit or a
89 guaranteed letter of credit with a licensed and insured bank or
90 savings institution located in the state, or by providing proof
91 that the physician is covered under a teaching hospital's
92 medical malpractice insurance. The amount of the bond,
93 certificate of deposit, or guaranteed letter of credit must
94 ~~shall~~ be at least ~~an amount not less than~~ $250,000.
95 (6) A physician applying under this section is exempt from
96 the requirements of ss. 456.039-456.046. All other provisions of
97 chapter 456 and this chapter apply.
98 (7) The board may ~~shall~~ not issue a temporary certificate
99 for practice to any physician who is under investigation in
100 another jurisdiction for an act that would constitute a
101 violation of this chapter or chapter 456 until such time as the
102 investigation is complete and the physician is found innocent of
103 all charges.
104 Section 2. This act shall take effect July 1, 2013.

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

516098

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/14/2013	.	
	.	
	.	
	.	

The Committee on Health Policy (Garcia) recommended the following:

1 **Senate Amendment**
2
3 Delete line 91
4 and insert:
5 that the physician is covered under a teaching hospital's or
6 medical school's

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1
Meeting Date

Topic: Temporary Certificates for Visiting Physicians

Bill Number: 1302 *(if applicable)*

Name: Amy Christian

Amendment Barcode: *(if applicable)*

Job Title:

Address: 537 E. Park Ave.
Street

Tallahassee FL 32301
City *State* *Zip*

Phone:

E-mail:

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

Representing: Florida Hospital

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.

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

S-001 (10/20/11)

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Communications, Energy, and Public Utilities, Vice Chair
Appropriations Subcommittee on Criminal and Civil Justice
Appropriations Subcommittee on Health and Human Services
Transportation
Health Policy
Agriculture
Transportation

JOINT COMMITTEE:
Joint Committee on Administrative Procedures

SENATOR RENE GARCIA
38th District

April 1, 2013

The Honorable John Legg
Chair, Education Committee
415 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Legg:

Due to a scheduling conflict, I will not be able to present my bill *SB 1302 Temporary Certificates for Visiting Physicians*, at your committee meeting Monday afternoon. I ask that you allow a member of my staff *AJ D'amico* to present the bill on my behalf. If there is any other information needed please do not hesitate to contact me. Thank you.

Sincerely,

State Senator René García
District 38
RG:dm

CC: Theresa Klebacha, Staff Director

REPLY TO:
☐ 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
☐ 312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

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 1388

INTRODUCER: Senator Montford

SUBJECT: Instructional Materials for K-12 Public Education

DATE: March 29, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	**Pre-meeting**
2.			AED	
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 1388 increases flexibility for a school district while ensuring that instructional materials continue to align with state standards. The bill accomplishes its purpose by:

- Eliminating the statewide adoption of instructional materials by the Department of Education (DOE);
- Removing the requirement that a school district spend at least 50% of its annual instructional materials allocation off the state adopted materials list;
- Eliminating the requirement that school districts purchase instructional materials from the publisher's book depository;
- Eliminating the requirement that instructional materials be purchased within the first two years of an adoption cycle;
- Maintaining the ability for DOE to review materials submitted by school districts, or directly by publishers to ensure content aligns with applicable state standards;
- Allowing DOE or school districts to charge publishers for reviewing instructional materials submitted by publishers; and
- Allowing DOE to compensate instructional materials reviewers.

The bill takes effect July 1, 2013.

This bill substantially amends sections 1006.28, 1006.29, 1006.30, 1006.31, 1006.32, 1006.34, 1006.35, 1006.36, 1006.38, 1006.40, 1001.10, 1003.55, 1003.621, 1011.62 and repeals sections 1006.282, 1006.33, 1006.37, 1010.82 of the Florida Statutes.

II. Present Situation:

School Districts

A school district must provide adequate instructional materials for its students, ensure the materials are consistent with the district's educational goals, and ensure the materials meet the objectives and the curriculum frameworks adopted by the State Board of Education (SBE).[1]

The district is required to purchase current instructional materials in the core areas to provide students with current tools of instruction.[2] This purchase must be made within the first two years of the effective date of the adoption cycle.[3] Up to fifty percent of the allocation may be used to purchase non-adopted materials.[4]

Superintendents must, at DOE's request, provide an experienced classroom teachers or district-level content supervisor with expertise in the content area to review submissions recommended for adoption by the state instructional materials reviewers.[5]

The Commissioner of Education

The Commissioner of Education establishes the number of items to be adopted by the state.[6] The Commissioner appoints three state instructional materials reviewers to review instructional materials and evaluate the content for alignment with the applicable standards.[7] An evaluation by the third reviewer will only be required for situations in which the first two reviewers disagree as to whether materials should be placed on the state-adopted materials list.[8]

The Commissioner has the authority to select and adopt instructional materials for each grade and subject area and to contract with publishers for the instructional materials adopted.[9] The term of the adoption is five years.[10]

State Instructional Materials Reviewers and Content

Reviewers must evaluate all materials submitted by publishers in each adoption to determine if the material aligns with the applicable state standards, developed criteria, and any applicable performance standards.[11]

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[1] ss. 1006.28(1) and 1001.03(1), F.S.
[2] s. 1006.40(2), F.S.
[3] *Id.*
[4] s. 1006.40(3)(b), F.S.
[5] s. 1006.29(1), F.S.
[6] s. 1006.35(3), F.S.
[7] s. 1006.29(1)(b), F.S.
[8] s. 1006.29(3), F.S.
[9] s. 1006.34(2), F.S.
[10] s. 1006.36(1), F.S.
[11] s. 1006.31(2)(e), F.S.

In addition to the standards, materials should also reflect appropriate diversity, include the Constitution and the Declaration of Independence in the social studies content area, and ensure that materials do not reflect unfairly upon people because of their race, color, creed, national origin, ancestry, gender, or occupation.12 Reviewers must report to the DOE the materials being recommended that meet the guidelines for adoption.13

Publishers

Publishers of instructional materials must, in part:

- Submit detailed specifications of the physical characteristics of the instructional materials;
- Provide evidence that the materials address the performance standards;
- Furnish the instructional materials at a price which matches the lowest price offered anywhere else in the United States;
- Guarantee that any instructional materials sold in Florida will be equal in quality to the instructional materials sold elsewhere in the United States and will be kept up-to-date; and
- Maintain or contract with a depository in the state and keep an inventory.14

III. Effect of Proposed Changes:

SB 1388 increases flexibility for a school district while ensuring that instructional materials continue to align with state standards.

The bill provides for review and approval of instructional materials by either DOE or school districts. School districts are authorized to evaluate instructional materials submitted by publishers or refer submitted materials to DOE for review.

If the school district chooses to review instructional materials, it must designate expert staff in the content area. Reviewers must review instructional materials for alignment to the applicable standards, level of instructional support, accuracy, appropriate sequencing of content. The reviewers would make recommendations to the school board regarding materials to be considered.

School districts may collect fees from publishers who submit instructional materials for review; however, fees may not be charged for materials already reviewed by DOE. The bill does not provide standards or guidelines for the fee DOE or districts would charge publishers. Districts must certify to DOE that all core instructional materials approved by the district are aligned with the applicable standards.

The bill requires DOE must review instructional materials submitted by publishers or referred to it by school districts. DOE would collect fees from publishers who submit instructional materials. The standards for such review are similar to those currently specified for state instructional materials reviewers.

[12] s. 1006.31(2)(d), F.S.
[13] s. 1006.31(3), F.S.
[14] s. 1006.38, F.S.

DOE must post on its website the list of all school district- and DOE-approved instructional materials and those approved by other states, as "aligned to applicable standards."

The bill eliminates provisions such as:

- The requirement that purchases be made in the first two years of the adoption process;
- Authorization to exceed the 50 percent cap on purchases of instructional materials not on the state-adopted list for kindergarten and first grade;
- The requirement that superintendents notify DOE regarding state-adopted materials requisitioned by the district;
- Provisions requiring the commissioner to appoint three reviewers to review instructional materials for adoption;
- Provisions regarding publisher bids, contracting, deposits, bonds, depository, inventory, and author disclosure requirements; and
- The requirement that school districts requisition instructional materials from publisher depositories.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill authorizes DOE and school district to charge a fee for reviewing submitted instructional materials. The amount of the fee is indeterminate.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2013	.	
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	.	
	.	

The Committee on Education (Montford) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete everything after the enacting clause
4 and insert:
5 Section 1. Section 1006.283, Florida Statutes, is created
6 to read:
7 1006.283 District school board instructional materials
8 program.—
9 (1) A district school board may determine whether it will
10 be responsible for reviewing, adopting, and purchasing
11 instructional materials submitted by a publisher. If such a
12 determination is made by the district school board, the district
13 school superintendent shall notify the department upon such

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14 determination and describe the process by which materials will
15 be reviewed and adopted. The district school superintendent
16 shall annually certify to the department that all core
17 instructional materials are aligned with the applicable state
18 standards.
19 (2) The district school board shall adopt rules
20 implementing the district's instructional materials program
21 which must include, but need not be limited to:
22 (a) Its review, adoption, and purchasing process.
23 (b) Identification of a term of adoption for instructional
24 materials.
25 (c) The duties and qualifications of the instructional
26 materials reviewers.
27 (d) The requirements for an affidavit made by a district
28 instructional materials reviewer, which substantially includes
29 the requirements of s. 1006.30.
30 (e) Compliance with s. 1006.32 relating to prohibited acts.
31 (f) A process that certifies the accuracy of instructional
32 materials.
33 (g) The incorporation of applicable requirements of s.
34 1006.38 relating to the duties, responsibilities, and
35 requirements of publishers of instructional materials.
36 (h) The process by which instructional materials will be
37 purchased, including advertising, bidding, and purchasing
38 requirements.
39 (3) The district school board may set and collect fees from
40 publishers that participate in the instructional materials
41 approval process. The amount assessed and collected must be
42 reported to the district school board. The fees may not exceed

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43 the fees that are assessed by the state for materials submitted
44 for review and shall be allocated in a separate account or
45 district budget line item for auditing purposes.
46 (4) A publisher that offers instructional materials to a
47 district school board must provide the materials at a price
48 that, including all costs of electronic transmission, does not
49 exceed the lowest price at which the publisher offers such
50 instructional materials for approval or sale to any other state
51 or school district in this or any other state.
52 (5) A publisher shall automatically reduce the price of
53 instructional materials to the district school board to the
54 extent that reductions are made elsewhere in the United States.
55 (6) Each district school board shall submit to the
56 Governor, the President of the Senate, the Speaker of the House
57 of Representatives, and the State Board of Education an annual
58 report regarding the district instructional review, adoption,
59 and purchasing program and the impact on the quality and
60 availability of instructional materials, and the cost
61 effectiveness of the program. The district school board shall
62 submit the report on January 1 following the first fiscal year
63 of implementation of the program and each year thereafter.
64 Section 2. Section 1006.29, Florida Statutes, is amended to
65 read:
66 1006.29 State instructional materials reviewers.—
67 (1) For purposes of this section, the term "instructional
68 materials" means items that have intellectual content and that,
69 by design, serve as a tool for assisting in the instruction of a
70 subject or course.
71 (2) ~~(1)~~ (a) The commissioner shall determine annually the

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72 areas in which instructional materials shall be submitted for
73 approval ~~adoption~~, taking into consideration the desires of the
74 district school boards. ~~The commissioner shall also determine~~
75 ~~the number of titles to be adopted in each area.~~
76 (b) By April 15 of each school year, the commissioner shall
77 appoint state instructional materials reviewers for ~~three state~~
78 ~~or national experts in~~ the content areas submitted for approval
79 ~~adoption~~ to review the instructional materials and evaluate the
80 content for alignment with the applicable ~~Next Generation~~
81 ~~Sunshine~~ state standards. These reviewers shall be designated as
82 state instructional materials reviewers and shall evaluate
83 ~~review~~ the materials for the level of instructional support and
84 the accuracy and appropriateness of the progression of
85 introduced content. Instructional materials must ~~shall~~ be made
86 electronically available to the reviewers. ~~The initial review of~~
87 ~~the materials shall be made by only two of the three reviewers.~~
88 ~~If the two reviewers reach different results, the third reviewer~~
89 ~~shall break the tie. The reviewers shall independently make~~
90 ~~recommendations to the commissioner regarding materials that~~
91 ~~should be placed on the list of adopted materials through an~~
92 ~~electronic feedback review system.~~
93 (c) Reviewers who are not appointed as laypersons must be
94 actively engaged in teaching, or in the supervision of teaching,
95 in the public elementary, middle, or high schools in the major
96 fields and levels in which instructional materials are used in
97 the public schools. Each reviewer must receive training pursuant
98 to subsection (6) in competencies related to the evaluation and
99 selection of instructional materials ~~The commissioner shall~~
100 ~~request each district school superintendent to nominate one~~

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101 ~~classroom teacher or district-level content supervisor to review~~
102 ~~two or three of the submissions recommended by the state~~
103 ~~instructional materials reviewers~~. ~~School districts shall ensure~~
104 ~~that these district reviewers are provided with the support and~~
105 ~~time necessary to accomplish a thorough review of the~~
106 ~~instructional materials. District reviewers shall independently~~
107 ~~rate the recommended submissions on the instructional usability~~
108 ~~of the resources.~~
109 (d) The commissioner shall appoint up to five reviewers for
110 each content area submitted for approval pursuant to paragraph
111 (a). At least 50 percent of the reviewers must be classroom
112 teachers who are certified in an area directly related to the
113 academic area or level considered for approval. One reviewer
114 must be a layperson, and one must be a supervisor of teachers.
115 The reviewers must have the capacity or expertise to address the
116 broad racial, ethnic, socioeconomic, and cultural diversity of
117 the state's student population.
118 (3)(a) All appointments shall be as prescribed in this
119 section. A reviewer may not serve more than two consecutive
120 terms, and appointments are for 18-month terms. The commissioner
121 may remove a reviewer for cause, and any vacancies shall be
122 filled in the manner of the original appointment for only the
123 time remaining in the unexpired term. An employee of the
124 department may be appointed as an additional ex officio
125 reviewer.
126 (b) The reviewers' names and mailing addresses shall be
127 disclosed to the public when appointments are made.
128 (c) A district school board shall be reimbursed for the
129 actual cost of hiring a substitute teacher for each workday that

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130 a member of its instructional staff is absent from his or her
131 assigned duties for the purpose of rendering service as a state
132 instructional materials reviewer. Each reviewer may be paid a
133 stipend and is entitled to reimbursement for travel expenses and
134 per diem in accordance with s. 112.061 for actual service in
135 meetings of reviewers which are called by the commissioner.
136 Payment of such substitute teachers, the stipend, applicable
137 travel expenses, and per diem shall be made from the Textbook
138 Bid Trust Fund on warrants to be drawn by the Chief Financial
139 Officer upon requisition approved by the commissioner.
140 (4) ~~(2)~~ For purposes of the review process, instructional
141 materials ~~state adoption, the term "instructional materials"~~
142 ~~means items having intellectual content that by design serve as~~
143 ~~a major tool for assisting in the instruction of a subject or~~
144 ~~course. These items~~ may be made available in bound, unbound,
145 kit, or package form and may consist of hardbacked or softbacked
146 textbooks, electronic content, consumables, learning
147 laboratories, manipulatives, electronic media, and computer
148 courseware or software. A publisher or manufacturer providing
149 instructional materials as a single bundle shall also make the
150 instructional materials available as separate and unbundled
151 items, each priced individually. A publisher may also offer
152 sections of state-adopted instructional materials in digital or
153 electronic versions at reduced rates to districts, schools, and
154 teachers.
155 (5) ~~(3)~~ Beginning in the 2015-2016 academic year, all
156 adopted instructional materials for students in kindergarten
157 through grade 12 must be provided in an electronic or digital
158 format. For purposes of this section, the term:

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159 (a) “Electronic format” means text-based or image-based
160 content in a form that is produced on, published by, and
161 readable on computers or other digital devices and is an
162 electronic version of a printed book, whether or not any printed
163 equivalent exists.
164 (b) “Digital format” means text-based or image-based
165 content in a form that provides the student with various
166 interactive functions; that can be searched, tagged,
167 distributed, and used for individualized and group learning;
168 that includes multimedia content such as video clips,
169 animations, and virtual reality; and that has the ability to be
170 accessed at any time and anywhere.
171
172 The terms do not include electronic or computer hardware even if
173 such hardware is bundled with software or other electronic
174 media, nor does it include equipment or supplies.
175 (6) ~~(4)~~ The department shall develop a training program for
176 persons selected as state instructional materials reviewers and
177 school district reviewers. The program shall be structured to
178 assist reviewers in developing the skills necessary to make
179 valid, culturally sensitive, and objective decisions regarding
180 the content and rigor of instructional materials. All persons
181 serving as instructional materials reviewers must complete the
182 training program prior to beginning the review and selection
183 process.
184 (7) The department shall post on its website a list of
185 department-approved instructional materials, district-approved
186 instructional materials as applicable, and instructional
187 materials approved by other states which align with applicable

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188 state standards.
189 (8) The department may contract with a nonprofit
190 organization or association to administer the review process.
191 Section 3. Subsection (1) of section 1006.37, Florida
192 Statutes, is amended to read:
193 1006.37 Requisition of instructional materials from
194 publisher's depository.—
195 (1) The district school superintendent shall requisition
196 adopted instructional materials from the depository of the
197 publisher with whom a contract has been made. However, the
198 superintendent shall requisition current instructional materials
199 to provide each student with a textbook or other materials as a
200 ~~major~~ tool of instruction in core courses of the subject areas
201 specified in s. 1006.40(2). These materials must be
202 requisitioned within the first 2 years of the adoption cycle,
203 except for instructional materials related to growth of student
204 membership or instructional materials maintenance needs. The
205 superintendent may requisition instructional materials in the
206 core subject areas specified in s. 1006.40(2) that are related
207 to growth of student membership or instructional materials
208 maintenance needs during the 3rd, 4th, 5th, and 6th years of the
209 original contract period.
210 Section 4. Subsection (2) of section 1006.40, Florida
211 Statutes, is amended to read:
212 1006.40 Use of instructional materials allocation;
213 instructional materials, library books, and reference books;
214 repair of books.—
215 (2) Each district school board shall ~~must~~ purchase current
216 instructional materials to provide each student with a ~~major~~

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217 tool of instruction in core courses of the subject areas of
218 mathematics, language arts, science, social studies, reading,
219 and literature for kindergarten through grade 12. Such purchase
220 must be made within the first 2 years after the effective date
221 of the adoption cycle. For the 2012-2013 mathematics adoption, a
222 district using a comprehensive mathematics instructional
223 materials program adopted in the 2009-2010 adoption shall be
224 deemed in compliance with this subsection if it provides each
225 student with such additional state-adopted materials as may be
226 necessary to align the previously adopted comprehensive program
227 to common core standards and the other criteria of the 2012-2013
228 mathematics adoption.
229 Section 5. This act shall take effect July 1, 2013.
230
231 ========== T I T L E A M E N D M E N T ==========
232 And the title is amended as follows:
233 Delete everything before the enacting clause
234 and insert:
235 A bill to be entitled
236 An act relating to instructional materials; creating
237 s. 1006.283, F.S.; authorizing a district school board
238 to review, adopt, and purchase instructional
239 materials; requiring the district superintendent to
240 notify the Department of Education if the district
241 school board decides review, adopt and purchase
242 instructional materials and to certify to the
243 department that core instructional materials align
244 with applicable state standards; requiring the
245 district school board to adopt rules; authorizing the

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246 district school board to set and collect fees from a
247 publisher that participates in the instructional
248 materials review process; providing a limit on fees;
249 providing pricing requirements for instructional
250 materials; requiring each district school board to
251 submit an annual report to the Governor, the
252 Legislature, and the State Board of Education by a
253 specified date; amending s. 1006.29, F.S.; requiring
254 the Commissioner of Education to appoint state
255 instructional materials reviewers, rather than state
256 or national experts, to review instructional
257 materials; providing requirements, composition,
258 appointments, and terms for state instructional
259 materials reviewers; authorizing the commissioner to
260 remove a reviewer for cause; providing for public
261 disclosure of names and mailing addresses of appointed
262 state instructional materials reviewers; requiring a
263 district school board to be reimbursed for the cost of
264 hiring a substitute teacher for each work day that a
265 member of its instructional staff is absent while
266 rendering service as a reviewer; authorizing a stipend
267 for service as a reviewer; requiring entitlement of
268 payment for per diem and reimbursement for travel
269 expenses for service as a reviewer; providing that
270 payments for substitute teachers and reviewers be made
271 from the Textbook Bid Trust Fund; requiring the
272 Department of Education to post certain instructional
273 materials on its website; authorizing the department
274 to contract with a nonprofit organization or

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275 association to administer the review process; amending
276 ss. 1006.37 and 1006.40, F.S.; conforming provisions
277 to changes made by the act; providing an effective
278 date.

By Senator Montford

3-00662-13 20131388__

A bill to be entitled

An act relating to instructional materials for K-12 public education; amending s. 1006.28, F.S.; providing district school board duties relating to the collection of fees from publishers or manufacturers and procedures for reviewing and approving instructional materials; defining the term "instructional materials" for purposes of review; repealing s. 1006.282, F.S., relating to a pilot program for the transition to electronic and digital instructional materials; amending s. 1006.29, F.S.; providing for Department of Education instructional materials reviewers; providing procedures for department review and approval of instructional materials; authorizing the department to compensate reviewers; deleting provisions relating to adoption of instructional materials; requiring the department to publicize adopted instructional materials; amending s. 1006.30, F.S., relating to an affidavit made by instructional materials reviewers, to conform; amending s. 1006.31, F.S.; providing duties of department and school district instructional materials reviewers; requiring a reviewer to use specified standards to determine the propriety of an instructional material; amending s. 1006.32, F.S.; providing prohibited acts for department and district instructional materials reviewers; repealing s. 1006.33, F.S., relating to bids or proposals by publishers or manufacturers; amending s. 1006.34,

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F.S.; providing duties of the State Board of Education relating to evaluating instructional materials; authorizing the collection of fees from publishers or manufacturers; deleting provisions relating to selection and adoption of instructional materials and publisher or manufacturer contracts, bonds, and deposits; amending s. 1006.35, F.S., relating to the accuracy of instructional materials, to conform; amending s. 1006.36, F.S.; providing for a state review cycle and schedule; repealing s. 1006.37, F.S., relating to the requisition of instructional materials from a publisher's depository; amending s. 1006.38, F.S.; revising duties of publishers and manufacturers; amending s. 1006.40, F.S.; revising provisions relating to the use of the instructional materials allocation by district school boards; amending ss. 1001.10, 1003.55, 1003.621, and 1011.62, F.S.; conforming provisions; repealing s. 1010.82, F.S., relating to the Textbook Bid Trust Fund; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) and subsection (2) of section 1006.28, Florida Statutes, are amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DISTRICT SCHOOL BOARD.—The district school board has

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59 the duty to provide adequate instructional materials for all
60 students in accordance with the requirements of this part. The
61 term "adequate instructional materials" means a sufficient
62 number of student or site licenses or sets of materials that are
63 available in bound, unbound, kit, or package form and may
64 consist of hardbacked or softbacked textbooks, electronic
65 content, consumables, learning laboratories, manipulatives,
66 electronic media, and computer courseware or software that serve
67 as the basis for instruction for each student in the core
68 courses of mathematics, language arts, social studies, science,
69 reading, and literature. The district school board has the
70 following specific duties:
71 (b) *Instructional materials.*—
72 1. Provide for proper requisitioning, distribution,
73 accounting, storage, care, and use of all instructional
74 materials and furnish such other instructional materials as may
75 be needed. The district school board shall ensure that
76 instructional materials used in the district are consistent with
77 the district goals and objectives and the course descriptions
78 established in ~~curriculum frameworks adopted by~~ rule of the
79 State Board of Education, as well as with the state and district
80 performance standards provided for in s. 1001.03(1). The
81 district school board may set and collect fees from publishers
82 or manufacturers participating in the instructional materials
83 approval process. However, a district school board may not
84 assess a fee to review materials that have been evaluated
85 previously by the state.
86 2. Adopt rules prescribing the procedures by which district
87 personnel shall evaluate instructional materials submitted by

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88 publishers or manufacturers in each approval cycle.
89 3. Determine if the district will be responsible for
90 reviewing instructional materials submitted by a publisher or
91 manufacturer or if the district will refer submitted materials
92 to the department for review.
93 4. If the district is responsible for reviewing submitted
94 materials, designate district staff who are experts in the
95 content areas submitted for approval to review submitted
96 instructional materials to ensure the content aligns with the
97 applicable state standards. The reviewers shall be designated as
98 district instructional materials reviewers and shall review the
99 materials for the level of instructional support and the
100 accuracy and appropriateness of progression of introduced
101 content. Instructional materials shall be made electronically
102 available to the reviewers. The reviewers shall make
103 recommendations to the district school board regarding materials
104 that should be considered for use in schools. For purposes of
105 reviewing materials, the term "instructional materials" means
106 items having intellectual content that by design assist in the
107 instruction of a subject or course. These items may be available
108 in bound, unbound, kit, or package form and may consist of
109 hardbacked or softbacked textbooks, electronic content,
110 consumables, learning laboratories, manipulatives, electronic
111 media, and computer courseware or software. A publisher or
112 manufacturer providing instructional materials as a single
113 bundle shall also make the instructional materials available as
114 separate and unbundled items, each priced individually. A
115 publisher or manufacturer must also offer sections of
116 instructional materials in digital or electronic versions at

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reduced rates to districts, schools, and teachers.

5. Approve instructional materials that have been reviewed by district or department instructional materials reviewers and have been determined to align with all applicable state standards pursuant to s. 1003.41 and the requirements in s. 1006.31.

6. Certify to the department that all core instructional materials have been approved pursuant to subparagraph 5.

(2) DISTRICT SCHOOL SUPERINTENDENT.—

~~(a)~~ The district school superintendent has the duty to recommend such plans for improving, providing, distributing, accounting for, and caring for instructional materials and other instructional aids as will result in general improvement of the district school system, as prescribed in this part, in accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been used previously in the district's schools. The district school superintendent must keep adequate records and accounts for all financial transactions for funds collected pursuant to subsection (3), as a component of the educational service delivery scope in a school district best financial management practices review under s. 1008.35.

~~(b) Each district school superintendent shall notify the department by April 1 of each year the state-adopted~~

~~instructional materials that will be requisitioned for use in his or her school district. The notification shall include a district school board plan for instructional materials use to assist in determining if adequate instructional materials have been requisitioned.~~

Section 2. Section 1006.282, Florida Statutes, is repealed.

Section 3. Section 1006.29, Florida Statutes, is amended to read:

1006.29 Department of Education ~~State~~ instructional materials reviewers.—

(1)(a) The commissioner shall determine annually the areas in which instructional materials shall be submitted for approval ~~adoption~~, taking into consideration the desires of the district school boards. ~~The commissioner shall also determine the number of titles to be adopted in each area.~~

(b) ~~By April 15 of each school year,~~ The department ~~commissioner~~ shall, ~~appoint three state or national experts~~ in the content areas submitted by a publisher, manufacturer, or district school board for approval, ~~adoption to~~ review the instructional materials and evaluate the content for alignment with the applicable ~~Next Generation Sunshine~~ state standards. ~~These reviewers shall be designated as state instructional materials reviewers and shall review~~ The materials shall be evaluated for the level of instructional support and the accuracy and appropriateness of progression of introduced content. Instructional materials shall be made electronically available to the reviewers. ~~The initial review of the materials shall be made by only two of the three reviewers. If the two reviewers reach different results, the third reviewer shall~~

175 ~~break the tie. The reviewers shall independently make~~
176 ~~recommendations to the commissioner regarding materials that~~
177 ~~should be placed on the list of adopted materials through an~~
178 ~~electronic feedback review system.~~
179 (c) The department may compensate assigned reviewers with
180 funds collected through fees authorized in accordance with s.
181 1006.34(2). The commissioner shall request each district school
182 superintendent to nominate one classroom teacher or district-
183 level content supervisor to review two or three of the
184 submissions recommended by the department ~~state~~ instructional
185 materials reviewers. School districts shall ensure that these
186 district reviewers are provided with the support and time
187 necessary to accomplish a thorough review of the instructional
188 materials. District reviewers shall independently rate the
189 recommended submissions on the instructional usability of the
190 resources.
191 (2) For purposes of approving materials ~~state adoption~~, the
192 term "instructional materials" means items having intellectual
193 content that by design assist ~~serve as a major tool for~~
194 ~~assisting~~ in the instruction of a subject or course. These items
195 may be available in bound, unbound, kit, or package form and may
196 consist of hardbacked or softbacked textbooks, electronic
197 content, consumables, learning laboratories, manipulatives,
198 electronic media, and computer courseware or software. A
199 publisher or manufacturer providing instructional materials as a
200 single bundle shall also make the instructional materials
201 available as separate and unbundled items, each priced
202 individually. A publisher or manufacturer shall ~~may~~ also offer
203 sections of ~~state-adopted~~ instructional materials in digital or

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204 electronic versions at reduced rates to districts, schools, and
205 teachers.
206 (3) Beginning in the 2015-2016 academic year, all approved
207 ~~adopted~~ instructional materials for students in kindergarten
208 through grade 12 must be provided in an electronic or digital
209 format. For purposes of this section, the term:
210 (a) "Electronic format" means text-based or image-based
211 content in a form that is produced on, published by, and
212 readable on computers or other digital devices and is an
213 electronic version of a printed book, whether or not any printed
214 equivalent exists.
215 (b) "Digital format" means text-based or image-based
216 content in a form that provides the student with various
217 interactive functions; that can be searched, tagged,
218 distributed, and used for individualized and group learning;
219 that includes multimedia content such as video clips,
220 animations, and virtual reality; and that has the ability to be
221 accessed at any time and anywhere.
222
223 The terms do not include electronic or computer hardware even if
224 such hardware is bundled with software or other electronic
225 media, nor does it include equipment or supplies.
226 (4) The department shall develop a training program for
227 persons selected to review submitted ~~as state~~ instructional
228 materials ~~reviewers and school district reviewers~~. The program
229 shall be structured to assist reviewers in developing the skills
230 necessary to make valid, culturally sensitive, and objective
231 decisions regarding the content and rigor of instructional
232 materials. All persons reviewing ~~serving as~~ instructional

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233 materials ~~reviewers~~ must complete the training program prior to
234 beginning the review and selection process.
235 (5) The department shall post on its website a list of
236 department-approved instructional materials, district-approved
237 instructional materials, and instructional materials approved by
238 other states that align with applicable state standards.
239 Section 4. Section 1006.30, Florida Statutes, is amended to
240 read:
241 1006.30 Affidavit of Department of Education ~~state~~
242 instructional materials reviewers.—Before transacting any
243 business, each department ~~state~~ instructional materials reviewer
244 shall make an affidavit, to be filed with the department, that:
245 (1) The reviewer will faithfully discharge the duties
246 imposed upon him or her.
247 (2) The reviewer has no interest in any publishing or
248 manufacturing organization that produces or sells instructional
249 materials.
250 (3) The reviewer is in no way connected with the
251 distribution of the instructional materials.
252 (4) The reviewer does not have any direct or indirect
253 pecuniary interest in the business or profits of any person
254 engaged in manufacturing, publishing, or selling instructional
255 materials designed for use in the public schools.
256 (5) The reviewer will not accept any emolument or promise
257 of future reward of any kind from any publisher or manufacturer
258 of instructional materials or his or her agent or anyone
259 interested in, or intending to bias his or her judgment in any
260 way in, the selection of any materials to be approved ~~adopted~~.
261 (6) The reviewer understands that it is unlawful to discuss

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262 matters relating to instructional materials submitted for
263 approval ~~adoption~~ with any agent of a publisher or manufacturer
264 of instructional materials, either directly or indirectly,
265 except during the period when the publisher or manufacturer is
266 providing a presentation for the reviewer during his or her
267 review of the instructional materials submitted for approval
268 ~~adoption~~.
269 Section 5. Section 1006.31, Florida Statutes, is amended to
270 read:
271 1006.31 Duties of the Department of Education and school
272 district ~~each state~~ instructional materials reviewer.—The duties
273 of the ~~each state~~ instructional materials reviewer are:
274 (1) PROCEDURES.—To adhere to procedures prescribed by the
275 department or the district for evaluating instructional
276 materials submitted by publishers and manufacturers in each
277 review for approval ~~adoption~~.
278 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate
279 carefully all instructional materials submitted, in order to
280 ascertain which instructional materials, if any, submitted for
281 consideration implement the selection criteria developed by the
282 department or the district and those curricular objectives
283 included within applicable performance standards provided for in
284 s. 1001.03(1).
285 (a) When evaluating ~~recommending~~ instructional materials
286 for use in the schools, each reviewer should ensure that the
287 ~~shall include only~~ instructional materials ~~that~~ accurately
288 portray the ethnic, socioeconomic, cultural, and racial
289 diversity of our society, including men and women in
290 professional, career, and executive roles, and the role and

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291 contributions of the entrepreneur and labor in the total
292 development of this state and the United States.
293 (b) When evaluating ~~recommending~~ instructional materials
294 for use in the schools, each reviewer should ensure that the
295 ~~shall include only~~ materials ~~that~~ accurately portray, whenever
296 appropriate, humankind's place in ecological systems, including
297 the necessity for the protection of our environment and
298 conservation of our natural resources and the effects on the
299 human system of the use of tobacco, alcohol, controlled
300 substances, and other dangerous substances.
301 (c) When evaluating ~~recommending~~ instructional materials
302 for use in the schools, each reviewer should ensure that the
303 materials ~~shall require such materials as he or she deems~~
304 ~~necessary and proper to~~ encourage thrift, fire prevention, and
305 humane treatment of people and animals.
306 (d) When evaluating ~~recommending~~ instructional materials
307 for use in the schools, each reviewer should ensure ~~shall~~
308 ~~require~~, when appropriate to the comprehension of students, that
309 materials for social science, history, or civics classes contain
310 the Declaration of Independence and the Constitution of the
311 United States. A reviewer may not recommend any instructional
312 materials for use in the schools which contain any matter
313 reflecting unfairly upon persons because of their race, color,
314 creed, national origin, ancestry, gender, or occupation.
315 (e) When evaluating instructional materials, library media,
316 and other reading material for use in the schools, each reviewer
317 shall use the following standards to determine the propriety of
318 the material:
319 1. The age of students who normally could be expected to

320 have access to the material.
321 2. The educational purpose to be served by the material. In
322 considering instructional materials for classroom use, priority
323 shall be given to the selection of materials that encompass the
324 state and district school board performance standards provided
325 for in s. 1001.03(1) and that include the instructional
326 objectives contained within the course descriptions established
327 in rule by the State Board of Education.
328 3. The degree to which the material would be supplemented
329 and explained by mature classroom instruction as part of a
330 normal classroom instructional program.
331 4. The degree to which the material represents the broad
332 racial, ethnic, socioeconomic, and cultural diversity of
333 students in the state.
334
335 Any instructional material containing pornography or otherwise
336 prohibited by s. 847.012 may not be used or made available
337 within any public school.
338 ~~(c) Any instructional material recommended by each reviewer~~
339 ~~for use in the schools shall be, to the satisfaction of each~~
340 ~~reviewer, accurate, objective, and current and suited to the~~
341 ~~needs and comprehension of students at their respective grade~~
342 ~~levels. Reviewers shall consider for adoption materials~~
343 ~~developed for academically talented students such as those~~
344 ~~enrolled in advanced placement courses.~~
345 ~~(3) REPORT OF REVIEWERS. After a thorough study of all~~
346 ~~data submitted on each instructional material, to submit an~~
347 ~~electronic report to the department. The report shall be made~~
348 ~~public and must include responses to each section of the report~~

349 ~~format prescribed by the department.~~
350 Section 6. Section 1006.32, Florida Statutes, is amended to
351 read:
352 1006.32 Prohibited acts.—
353 (1) A publisher or manufacturer of instructional material,
354 or any representative thereof, may not offer to give any
355 emolument, money, or other valuable thing, or any inducement, to
356 any district school board official or department or district
357 ~~state~~ instructional materials reviewer to directly or indirectly
358 introduce, recommend, vote for, or otherwise influence the
359 approval ~~adoption~~ or purchase of any instructional materials.
360 (2) A district school board official or a department or
361 district ~~state~~ instructional materials reviewer may not solicit
362 or accept any emolument, money, or other valuable thing, or any
363 inducement, to directly or indirectly introduce, recommend, vote
364 for, or otherwise influence the approval ~~adoption~~ or purchase of
365 any instructional material.
366 ~~(3) A district school board or publisher may not~~
367 ~~participate in a pilot program of materials being considered for~~
368 ~~adoption during the 18-month period before the official adoption~~
369 ~~of the materials by the commissioner. Any pilot program during~~
370 ~~the first 2 years of the adoption period must have the prior~~
371 ~~approval of the commissioner.~~
372 (3) ~~(4)~~ Any publisher or manufacturer of instructional
373 materials or representative thereof or any district school board
374 official or department or district ~~state~~ instructional materials
375 reviewer who violates any provision of this section commits a
376 misdemeanor of the second degree, punishable as provided in s.
377 775.082 or s. 775.083. Any representative of a publisher or

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378 manufacturer who violates any provision of this section, in
379 addition to any other penalty, shall be banned from practicing
380 business in the state for a period of 1 calendar year.
381 (4) ~~(5)~~ This section does not prohibit any publisher,
382 manufacturer, or agent from supplying, for purposes of
383 examination, necessary sample copies of instructional materials
384 to any district school board official or department or district
385 ~~state~~ instructional materials reviewer.
386 (5) ~~(6)~~ This section does not prohibit a district school
387 board official or department or district ~~state~~ instructional
388 materials reviewer from receiving sample copies of instructional
389 materials.
390 (6) ~~(7)~~ This section does not prohibit or restrict a
391 district school board official from receiving royalties or other
392 compensation, other than compensation paid to him or her as
393 commission for negotiating sales to district school boards, from
394 the publisher or manufacturer of instructional materials
395 written, designed, or prepared by such district school board
396 official~~,~~ and ~~adopted by the commissioner or~~ purchased by any
397 district school board. No district school board official shall
398 be allowed to receive royalties on any materials not ~~on the~~
399 ~~state-adopted list~~ purchased for use by his or her district
400 school board.
401 (7) ~~(8)~~ A district school superintendent, district school
402 board member, teacher, or other person officially connected with
403 the government or direction of public schools may not receive
404 during the months actually engaged in performing duties under
405 his or her contract any private fee, gratuity, donation, or
406 compensation, in any manner whatsoever, for promoting the sale

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407 or exchange of any instructional material, map, or chart in any
408 public school, or be an agent for the sale or the publisher of
409 any instructional material or reference work, or have a direct
410 or indirect pecuniary interest in the introduction of any such
411 instructional material, and any such agency or interest shall
412 disqualify any person so acting or interested from holding any
413 district school board employment whatsoever, and the person
414 commits a misdemeanor of the second degree, punishable as
415 provided in s. 775.082 or s. 775.083; however, this subsection
416 does not prevent the approval ~~adoption~~ of any instructional
417 material written in whole or in part by a Florida author.
418 Section 7. Section 1006.33, Florida Statutes, is repealed.
419 Section 8. Section 1006.34, Florida Statutes, is amended to
420 read:
421 1006.34 Powers and duties of the State Board of Education
422 ~~commissioner and the department~~ in evaluating ~~selecting and~~
423 ~~adopting~~ instructional materials.—
424 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.—The
425 State Board of Education shall adopt rules prescribing the
426 procedures by which the department shall evaluate instructional
427 materials submitted by publishers and manufacturers in each
428 review for approval ~~adoption~~. Included in these procedures shall
429 be provisions affording each publisher or manufacturer or his or
430 her representative an opportunity to provide a virtual
431 presentation to the department ~~state~~ instructional materials
432 reviewers on the merits of each instructional material submitted
433 in each review for approval ~~adoption~~.
434 (2) FEES.—The State Board of Education may set and collect
435 fees from publishers or manufacturers participating in the

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436 instructional materials approval process who request a review of
437 their submitted materials by the department.
438 ~~(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—~~
439 ~~(a) The department shall notify all publishers and~~
440 ~~manufacturers of instructional materials who have submitted bids~~
441 ~~that within 3 weeks after the deadline for receiving bids, at a~~
442 ~~designated time and place, it will open the bids submitted and~~
443 ~~deposited with it. At the time and place designated, the bids~~
444 ~~shall be opened, read, and tabulated in the presence of the~~
445 ~~bidders or their representatives. No one may revise his or her~~
446 ~~bid after the bids have been filed. When all bids have been~~
447 ~~carefully considered, the commissioner shall, from the list of~~
448 ~~suitable, usable, and desirable instructional materials reported~~
449 ~~by the state instructional materials reviewers, select and adopt~~
450 ~~instructional materials for each grade and subject field in the~~
451 ~~curriculum of public elementary, middle, and high schools in~~
452 ~~which adoptions are made and in the subject areas designated in~~
453 ~~the advertisement. The adoption shall continue for the period~~
454 ~~specified in the advertisement, beginning on the ensuing April~~
455 ~~1. The adoption shall not prevent the extension of a contract as~~
456 ~~provided in subsection (3). The commissioner shall always~~
457 ~~reserve the right to reject any and all bids. The commissioner~~
458 ~~may ask for new sealed bids from publishers or manufacturers~~
459 ~~whose instructional materials were recommended by the state~~
460 ~~instructional materials reviewers as suitable, usable, and~~
461 ~~desirable; specify the dates for filing such bids and the date~~
462 ~~on which they shall be opened; and proceed in all matters~~
463 ~~regarding the opening of bids and the awarding of contracts as~~
464 ~~required by this part. In all cases, bids shall be accompanied~~

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~~by a cash deposit or certified check of from $500 to $2,500, as the department may direct. The department, in adopting instructional materials, shall give due consideration both to the prices bid for furnishing instructional materials and to the report and recommendations of the state instructional materials reviewers. When the commissioner has finished with the report of the state instructional materials reviewers, the report shall be filed and preserved with the department and shall be available at all times for public inspection.~~

~~(b) In the selection of instructional materials, library media, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:~~

~~1. The age of the students who normally could be expected to have access to the material.~~

~~2. The educational purpose to be served by the material. In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the state and district school board performance standards provided for in s. 1001.03(1) and which include the instructional objectives contained within the curriculum frameworks approved by rule of the State Board of Education.~~

~~3. The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.~~

~~4. The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state.~~

~~Any instructional material containing pornography or otherwise prohibited by s. 847.012 may not be used or made available within any public school.~~

~~(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.—As soon as practicable after the commissioner has adopted any instructional materials and all bidders that have secured the adoption of any instructional materials have been notified thereof by registered letter, the department shall prepare a contract in proper form with every bidder awarded the adoption of any instructional materials. Each contract shall be executed by the commissioner, one copy to be kept by the contractor and one copy to be filed with the department. After giving due consideration to comments by the district school boards, the commissioner, with the agreement of the publisher, may extend or shorten a contract period for a period not to exceed 2 years; and the terms of any such contract shall remain the same as in the original contract. Any publisher or manufacturer to whom any contract is let under this part must give bond in such amount as the department requires, payable to the state, conditioned for the faithful, honest, and exact performance of the contract. The bond must provide for the payment of reasonable attorney's fees in case of recovery in any suit thereon. The surety on the bond must be a guaranty or surety company lawfully authorized to do business in the state; however, the bond shall not be exhausted by a single recovery but may be sued upon from time to time until the full amount thereof is recovered, and the department may at any time, after giving 30 days' notice, require additional security or additional bond. The form of any bond or bonds or contract or contracts under this part shall be prepared~~

~~and approved by the department. At the discretion of the department, a publisher or manufacturer to whom any contract is let under this part may be allowed a cash deposit in lieu of a bond, conditioned for the faithful, honest, and exact performance of the contract. The cash deposit, payable to the department, shall be placed in the Textbook Bid Trust Fund. The department may recover damages on the cash deposit given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.~~

~~(4) REGULATIONS GOVERNING THE CONTRACT. The department may, from time to time, take any necessary actions, consistent with this part, to secure the prompt and faithful performance of all instructional materials contracts; and if any contractor fails or refuses to furnish instructional materials as provided in this part or otherwise breaks his or her contract, the department may sue on the required bond in the name of the state, in the courts of the state having jurisdiction, and recover damages on the bond given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.~~

~~(5) RETURN OF DEPOSITS.—~~

~~(a) The successful bidder shall be notified by registered mail of the award of contract and shall, within 30 days after receipt of the contract, execute the proper contract and post the required bond. When the bond and contract have been executed, the department shall notify the Chief Financial Officer and request that a warrant be issued against the Textbook Bid Trust Fund payable to the successful bidder in the amount deposited pursuant to this part. The Chief Financial~~

~~Officer shall issue and forward the warrant to the department for distribution to the bidder.~~

~~(b) At the same time or prior thereto, the department shall inform the Chief Financial Officer of the names of the unsuccessful bidders. Upon receipt of such notice, the Chief Financial Officer shall issue warrants against the Textbook Bid Trust Fund payable to the unsuccessful bidders in the amounts deposited pursuant to this part and shall forward the warrants to the department for distribution to the unsuccessful bidders.~~

~~(c) One copy of each contract and an original of each bid, whether accepted or rejected, shall be preserved with the department for at least 3 years after the termination of the contract.~~

~~(6) DEPOSITS FORFEITED.—If any successful bidder fails or refuses to execute contract and bond within 30 days after receipt of the contract, the cash deposit shall be forfeited to the state and placed by the Chief Financial Officer in the General Revenue Fund.~~

~~(7) FORFEITURE OF CONTRACT AND BOND.—If any publisher or manufacturer of instructional materials fails or refuses to furnish instructional materials as provided in the contract, the publisher's or manufacturer's bond is forfeited and the commissioner must make another contract.~~

Section 9. Section 1006.35, Florida Statutes, is amended to read:

1006.35 Accuracy of instructional materials.—

(1) In addition to relying on statements of publishers or manufacturers of instructional materials, the commissioner may conduct or cause to be conducted an independent investigation to

581 determine the accuracy of approved ~~state-adopted~~ instructional
582 materials.
583 (2) When errors in approved ~~state-adopted~~ materials are
584 confirmed, the publisher or manufacturer of the materials shall
585 provide to each district school board that has purchased the
586 materials the corrections in a format approved by the
587 department.
588 (3) The commissioner may remove materials from the list of
589 approved ~~state-adopted~~ materials if he or she finds that the
590 content is in error and the publisher or manufacturer refuses to
591 correct the error when notified by the department.
592 (4) The commissioner may remove materials from the list of
593 approved ~~state-adopted~~ materials at the request of the publisher
594 or manufacturer if, in his or her opinion, there is no material
595 impact on the state's education goals.
596 Section 10. Section 1006.36, Florida Statutes, is amended
597 to read:
598 1006.36 State review cycle ~~Term of adoption~~ for
599 instructional materials.—
600 (1) The state review cycle ~~term of adoption~~ of any
601 instructional materials shall ~~must~~ be a 5-year period ~~beginning~~
602 ~~on April 1 following the adoption~~, except that the commissioner
603 may approve alternative schedules ~~terms of adoption~~ of less than
604 5 years for materials in content areas which require more
605 frequent revision. ~~Any contract for instructional materials may~~
606 ~~be extended as prescribed in s. 1006.34(3).~~
607 (2) The department shall publish annually an official
608 schedule of subject areas to be called for review ~~adoption~~ for
609 each of the succeeding 2 years, and a tentative schedule for

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610 years 3, 4, and 5. If extenuating circumstances warrant, the
611 commissioner may add one or more subject areas to the official
612 schedule, in which event the commissioner shall develop criteria
613 for such additional subject area or areas and make them
614 available to publishers or manufacturers as soon as practicable
615 before the date on which submission for review is ~~bids are~~ due.
616 The schedule shall be developed so as to promote balance among
617 the subject areas so that the required expenditure for new
618 instructional materials is approximately the same each year in
619 order to maintain curricular consistency.
620 Section 11. Section 1006.37, Florida Statutes, is repealed.
621 Section 12. Subsections (2), (3), and (5) of section
622 1006.38, Florida Statutes, are amended, subsections (15) and
623 (16) are renumbered as subsections (11) and (12), respectively,
624 and present subsections (11) through (14) of that section are
625 amended, to read:
626 1006.38 Duties, responsibilities, and requirements of
627 instructional materials publishers and manufacturers.—Publishers
628 and manufacturers of instructional materials, or their
629 representatives, shall:
630 (2) Electronically deliver fully developed sample copies of
631 all instructional materials upon which reviews ~~bids~~ are based to
632 the department pursuant to procedures adopted by the State Board
633 of Education.
634 (3) Submit~~, at a time designated in s. 1006.33,~~ the
635 following information:
636 (a) Detailed specifications of the physical characteristics
637 of the instructional materials, including any software or
638 technological tools required for use by the district, school,

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639 teachers, or students. The publisher or manufacturer shall
640 comply with these specifications if the instructional materials
641 are approved ~~adopted~~ and purchased in completed form.
642 (b) Evidence that the publisher or manufacturer has
643 provided materials that address the performance standards
644 provided for in s. 1001.03(1) and that can be accessed through
645 the district's local instructional improvement system and a
646 variety of electronic, digital, and mobile devices.
647 (5) Furnish the instructional materials offered by them at
648 a price in the state which, including all costs of electronic
649 transmission, may not exceed the lowest price at which they
650 offer such instructional materials for approval ~~adoption~~ or sale
651 to any state or school district in the United States.
652 ~~(11) Maintain or contract with a depository in the state.~~
653 ~~(12) For the core subject areas specified in s. 1006.40(2),~~
654 ~~maintain in the depository for the first 2 years of the contract~~
655 ~~an inventory of instructional materials sufficient to receive~~
656 ~~and fill orders.~~
657 ~~(13) For the core subject areas specified in s. 1006.40(2),~~
658 ~~ensure the availability of an inventory sufficient to receive~~
659 ~~and fill orders for instructional materials for growth,~~
660 ~~including the opening of a new school, and replacement during~~
661 ~~the 3rd and subsequent years of the original contract period.~~
662 ~~(14) Accurately and fully disclose only the names of those~~
663 ~~persons who actually authored the instructional materials. In~~
664 ~~addition to the penalties provided in subsection (16), the~~
665 ~~commissioner may remove from the list of state-adopted~~
666 ~~instructional materials those instructional materials whose~~
667 ~~publisher or manufacturer misleads the purchaser by falsely~~

668 ~~representing genuine authorship.~~
669 Section 13. Subsections (2), (3), and (4) of section
670 1006.40, Florida Statutes, are amended to read:
671 1006.40 Use of instructional materials allocation;
672 instructional materials, library books, and reference books;
673 repair of books.—
674 (2) Each district school board must provide ~~purchase~~
675 current instructional materials to ~~provide~~ each student ~~with a~~
676 ~~major tool of instruction~~ in core courses of the subject areas
677 of mathematics, language arts, science, social studies, reading,
678 and literature for kindergarten through grade 12. ~~Such purchase~~
679 ~~must be made within the first 2 years after the effective date~~
680 ~~of the adoption cycle. For the 2012-2013 mathematics adoption, a~~
681 ~~district using a comprehensive mathematics instructional~~
682 ~~materials program adopted in the 2009-2010 adoption shall be~~
683 ~~deemed in compliance with this subsection if it provides each~~
684 ~~student with such additional state-adopted materials as may be~~
685 ~~necessary to align the previously adopted comprehensive program~~
686 ~~to common core standards and the other criteria of the 2012-2013~~
687 ~~mathematics adoption.~~
688 (3)~~(a)~~ By the 2015-2016 fiscal year, each district school
689 board shall use at least 50 percent of the annual allocation for
690 the purchase of digital or electronic instructional materials
691 that align with state standards ~~included on the state-adopted~~
692 ~~list, except as otherwise authorized in paragraphs (b) and (c)~~.
693 ~~(b) Up to 50 percent of the annual allocation may be used~~
694 ~~for the purchase of instructional materials, including library~~
695 ~~and reference books and nonprint materials, not included on the~~
696 ~~state-adopted list and for the repair and renovation of~~

697 ~~textbooks and library books.~~
698 ~~(c) District school boards may use 100 percent of that~~
699 ~~portion of the annual allocation designated for the purchase of~~
700 ~~instructional materials for kindergarten, and 75 percent of that~~
701 ~~portion of the annual allocation designated for the purchase of~~
702 ~~instructional materials for first grade, to purchase materials~~
703 ~~not on the state-adopted list.~~
704 (4) Remaining funds may ~~The funds described in subsection~~
705 ~~(3) which district school boards may use to purchase materials~~
706 ~~not on the state adopted list shall~~ be used for the purchase of
707 instructional materials or other items having intellectual
708 content which assist in the instruction of a subject or course.
709 These items may be available in bound, unbound, kit, or package
710 form and may consist of hardbacked or softbacked textbooks,
711 electronic content, replacements for items which were part of
712 previously purchased instructional materials, consumables,
713 learning laboratories, manipulatives, electronic media, computer
714 courseware or software, and other commonly accepted
715 instructional tools as prescribed by district school board rule.
716 Section 14. Paragraphs (o) and (p) of subsection (6) of
717 section 1001.10, Florida Statutes, are amended to read:
718 1001.10 Commissioner of Education; general powers and
719 duties.—
720 (6) Additionally, the commissioner has the following
721 general powers and duties:
722 (o) To develop criteria for use by Department of Education
723 ~~state~~ instructional materials reviewers in evaluating materials
724 submitted for approval ~~adoption consideration~~. The criteria
725 shall, as appropriate, be based on instructional expectations

726 reflected in course descriptions ~~curriculum frameworks~~ and
727 student performance standards. The criteria for each subject or
728 course shall be made available to publishers and manufacturers
729 of instructional materials pursuant to the requirements of
730 chapter 1006.
731 (p) To prescribe procedures for evaluating instructional
732 materials submitted by publishers and manufacturers in each
733 review for approval ~~adoption~~.
734 Section 15. Subsection (5) of section 1003.55, Florida
735 Statutes, is amended to read:
736 1003.55 Instructional programs for blind or visually
737 impaired students and deaf or hard-of-hearing students.—
738 (5) Any publisher or manufacturer of instructional
739 materials that have been approved by the Department of Education
740 or a school district ~~a textbook adopted pursuant to the state~~
741 ~~instructional materials adoption process~~ shall furnish the
742 department ~~of Education~~ with a computer file in an electronic
743 format specified by the department ~~at least 2 years in advance~~
744 that is readily translatable to braille and can be used for
745 large print or speech access. Any instructional materials
746 ~~textbook~~ reproduced pursuant to ~~the provisions of~~ this
747 subsection shall be purchased at a price equal to the price paid
748 for the instructional materials ~~textbook~~ as approved ~~adopted~~.
749 The department ~~of Education~~ shall not reproduce instructional
750 materials ~~textbooks~~ obtained pursuant to this subsection in any
751 manner that would generate revenues for the department from the
752 use of such computer files or that would preclude the rightful
753 payment of fees to the publisher or manufacturer for use of all
754 or some portion of the instructional materials ~~textbook~~.

755 Section 16. Paragraph (j) of subsection (2) of section
756 1003.621, Florida Statutes, is amended to read:
757 1003.621 Academically high-performing school districts.—It
758 is the intent of the Legislature to recognize and reward school
759 districts that demonstrate the ability to consistently maintain
760 or improve their high-performing status. The purpose of this
761 section is to provide high-performing school districts with
762 flexibility in meeting the specific requirements in statute and
763 rules of the State Board of Education.
764 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
765 high-performing school district shall comply with all of the
766 provisions in chapters 1000-1013, and rules of the State Board
767 of Education which implement these provisions, pertaining to the
768 following:
769 (j) Those statutes relating to instructional materials,
770 except that ~~s. 1006.37, relating to the requisition of state-~~
771 ~~adopted materials from the depository under contract with the~~
772 ~~publisher, and~~ s. 1006.40 ~~1006.40(3)(a)~~, relating to the use of
773 50 percent of the instructional materials allocation, is ~~shall~~
774 ~~be~~ eligible for exemption.
775 Section 17. Section 1010.82, Florida Statutes, is repealed.
776 Section 18. Paragraph (b) of subsection (6) of section
777 1011.62, Florida Statutes, is amended to read:
778 1011.62 Funds for operation of schools.—If the annual
779 allocation from the Florida Education Finance Program to each
780 district for operation of schools is not determined in the
781 annual appropriations act or the substantive bill implementing
782 the annual appropriations act, it shall be determined as
783 follows:

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784 (6) CATEGORICAL FUNDS.—
785 (b) If a district school board finds and declares in a
786 resolution adopted at a regular meeting of the school board that
787 the funds received for any of the following categorical
788 appropriations are urgently needed to maintain school board
789 specified academic classroom instruction, the school board may
790 consider and approve an amendment to the school district
791 operating budget transferring the identified amount of the
792 categorical funds to the appropriate account for expenditure:
793 1. Funds for student transportation.
794 2. Funds for safe schools.
795 3. Funds for supplemental academic instruction if the
796 required additional hour of instruction beyond the normal school
797 day for each day of the entire school year has been provided for
798 the students in each low-performing elementary school in the
799 district pursuant to paragraph (1)(f).
800 4. Funds for research-based reading instruction if the
801 required additional hour of instruction beyond the normal school
802 day for each day of the entire school year has been provided for
803 the students in each low-performing elementary school in the
804 district pursuant to paragraph (9)(a).
805 5. Funds for instructional materials if all instructional
806 material purchases necessary to provide updated materials that
807 are aligned with applicable ~~to Next Generation Sunshine~~ state
808 standards and course descriptions ~~benchmarks~~ and that meet
809 statutory requirements of content and learning have been
810 completed for that fiscal year, but no sooner than March 1.
811 Funds available after March 1 may be used to purchase hardware
812 for student instruction.

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813 Section 19. This act shall take effect July 1, 2013.

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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)

4/1/13
Meeting Date

Topic: Instructional Materials

Bill Number: 1388 *(if applicable)*

Name: Vernon A. Pickup-Crawford

Amendment Barcode: 555354 *(if applicable)*

strike-all

Job Title: Legislative Liaison

Address: 571 Kingsbury Terrace
Street

Wellington, FL 33414
City *State* *Zip*

Phone: 561-644-2439

E-mail: vacrawford@msn.com

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

Representing: Palm Beach School District

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.

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4-1-13
Meeting Date

Topic: INSTRUCTIONAL MATERIALS

Bill Number: SB 1388 *(if applicable)*

Name: BOB BOYD

Amendment Barcode: *(if applicable)*

Job Title: ATTORNEY

Address: 660 E. JEFFERSON
Street

TALL FL 32301
City *State* *Zip*

Phone: 850-412-0306

E-mail: bboyd@ssclawfirm.com

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

Representing: AAP (ASSOCIATION OF AMERICAN PUBLISHERS)

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.

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/2013
Meeting Date

Topic _____

Bill Number 1388 *(if applicable)*

Name JIM HORNE

Amendment Barcode _____ *(if applicable)*

Job Title _____

Address 200 W College
Street

TAL FL 32301
City *State* *Zip*

Phone 904-759-4596

E-mail _____

Speaking: [✓] For [ ] Against [ ] Information

Representing AIF

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: Instructional Materials

Bill Number: 1388 (if applicable)

Name: Joy Frank

Amendment Barcode: (if applicable)

Job Title: General Counsel

Address: 208 S. Monroe St.
Street

Tall. FL 32301
City State Zip

Phone: 850-577-5784

E-mail: JFRANK@FADSS.org

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

Representing: Fl. Assoc of District School Supts

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.

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

S-001 (10/20/11)

174548

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2013	.	
	.	
	.	
	.	

The Committee on Education (Montford) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 223 - 230
4 and insert:
5 (d) Three or more contiguous school districts may apply to
6 enter into a joint performance contract as a Region of
7 Innovation, subject to terms and conditions contained in this
8 section for a single school district.
9 (e) The State Board of Education shall monitor innovation
10 schools to ensure that the respective school district is in
11 compliance with this section and the performance contract.
12 (f) The State Board of Education shall adopt rules pursuant
13 to ss. 120.536(1) and 120.54 to implement this section,

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14 including, but not limited to, an application, evaluation
15 instrument, and renewal evaluation instrument.
16 (g) This section does not supersede the provisions of s.
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 21
21 and insert:
22 contract; providing for a Region of Innovation in
23 which three or more school districts enter into a
24 joint performance contract; requiring the State Board
25 of Education to

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581-02921E-13

Proposed Committee Substitute by the Committee on Education

A bill to be entitled

An act relating to school district innovation; providing a short title; amending s. 196.1983, F.S.; granting school districts the ad valorem tax exemption given to charter schools; requiring a landlord to certify compliance by affidavit; amending s. 1002.31, F.S.; providing a calculation for compliance with class size maximums for a public school of choice; creating s. 1003.622, F.S.; creating innovation schools to allow school districts to earn flexibility for high academic achievement; specifying school and student eligibility requirements; limiting the number of innovation schools that may be operated and established in a school district; providing guiding principles for innovation schools; requiring innovation schools to personalize education for each student; establishing an application process; specifying requirements of a performance contract between the State Board of Education and a school district; establishing the term of the performance contract; requiring the State Board of Education to monitor innovation schools for compliance with the act and performance contracts; requiring the State Board of Education to adopt rules; providing that a participating school district has autonomy in certain areas; exempting innovation schools from ch. 1000-1013, F.S., subject to certain exceptions; exempting such districts from certain ad valorem taxes and other

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requirements; providing for funding; requiring a school district with an innovation school to submit an annual report to the State Board of Education and the Legislature; specifying requirements for such report; providing an effective date.

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

Section 1. SHORT TITLE.—This act may be cited as the "Florida Innovation Schools Act."

Section 2. Section 196.1983, Florida Statutes, is amended to read:

196.1983 Charter school and school district exemption from ad valorem taxes.—Any facility, or portion thereof, used to house a school district or a charter school whose charter has been approved by the sponsor and the governing board pursuant to s. 1002.33(7) is ~~shall be~~ exempt from ad valorem taxes. For leasehold properties, the landlord must certify by affidavit to the district or the charter school sponsor that the lease payments shall be reduced to the extent of the exemption received. The owner of the property shall disclose ~~to a charter school~~ the full amount of the benefit derived from the exemption and the method for ensuring that the district or charter school receives such benefit. The charter school shall receive the full benefit derived from the exemption through either an annual or monthly credit to the district's or charter school's lease payments.

Section 3. Subsection (9) is added to section 1002.31, Florida Statutes, to read:

1002.31 Public school parental choice.—

(9) For a school or program that is a public school of choice under this section, the calculation for compliance with maximum class size pursuant to s. 1003.03 is the average number of students at the school level.

Section 4. Section 1003.622, Florida Statutes, is created to read:

1003.622 District innovation schools.—

(1) PURPOSE AND ELIGIBILITY.—

(a) The purpose of an innovation school is to utilize innovation and enhance high academic achievement and accountability in exchange for flexibility and exemptions from specific statutes.

(b) An innovation school is a school that:

1. Operates as a public school of parental choice pursuant to s. 1002.31;

2. Focuses on teaching and learning infused with current technology;

3. Prepares students for a career or postsecondary education;

4. Utilizes innovation and enhances high student academic achievement and accountability;

5. Enhances academic success and financial efficiency by aligning responsibility with accountability;

6. Provides a parent with sufficient information for each year spent in the innovation school regarding the educational progress of his or her child, the child's reading grade level, and the child's performance toward achieving common core standards appropriate for the student's grade level;

7. Has a theme or academic focus that is based on innovation and is unique in the district; and

8. Offers specialized programs and creates innovative learning approaches in a diverse environment.

(c) A district school board may apply to the State Board of Education for an innovation school if the district:

1. Has at least 20 percent of its total enrollment in public choice programs or at least 5 percent of its total enrollment in charter schools;

2. Has no material weaknesses or instances of material noncompliance noted in the annual financial audit conducted pursuant to s. 218.39; and

3. Has not received a district grade below B in the past 3 years.

(d) A district school board may operate one innovation school upon an application being approved by the State Board of Education.

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

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

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

c. Has at least 50 percent of its students exceed the state average on the statewide assessment program pursuant to s. 1008.22. This comparison may take student subgroups, as defined in the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II), into specific consideration so that at least 50 percent of students in each student subgroup

116 meet or exceed the statewide average performance, rounded to the
117 nearest whole number, of that particular subgroup.
118 2. Notwithstanding subparagraph 1., the number of
119 innovation schools in a school district may not exceed:
120 a. Seven in a school district that has 100,000 or more
121 students.
122 b. Five in a school district that has 50,000 to 99,999
123 students.
124 c. Three in a school district that has fewer than 50,000
125 students.
126 (e) An innovation school must be open to any student
127 covered in an interdistrict agreement or residing in the school
128 district in which the innovation school is located. An
129 innovation school shall enroll an eligible student who submits a
130 timely application if the number of applications does not exceed
131 the capacity of a program, class, grade level, or building. If
132 the number of applications exceeds capacity, all applicants
133 shall have an equal chance of being admitted through a public
134 random selection process. However, a district may give
135 enrollment preference to students who identify the innovation
136 school as the student's preferred choice pursuant to the
137 district's controlled open enrollment plan.
138 (2) GUIDING PRINCIPLES.—
139 (a) An innovation school shall be guided by the following
140 principles:
141 1. Student learning is aligned with the Next Generation
142 Sunshine State Standards.
143 2. Students advance by demonstrating skills, abilities, and
144 knowledge necessary to ensure a successful career.

145 3. Teachers, advisors, students, and parents manage a
146 personalized learning plan that accounts for each student's
147 preferred pace and learning style.
148 4. Each student learns in the way he or she learns best,
149 such as independently, one-on-one with a coach, collaboratively
150 in small groups, online, through internships or early college
151 courses, or in other real-world contexts.
152 5. Instructional personnel take on roles as learning
153 coaches, advisors, and content and assessment experts.
154 (b) An innovation school shall:
155 1. Meet high standards of student achievement.
156 2. Implement innovative learning methods, including blended
157 learning, and assessment tools to implement a schoolwide
158 transformation to improve student learning and academic
159 achievement.
160 3. Measure student performance based on student learning
161 growth, or based on student achievement if student learning
162 growth cannot be measured.
163 4. Incorporate industry certifications and similar
164 recognitions into performance expectations.
165 5. Tailor the program to students at the school,
166 personalize education for each student, and empower students to
167 plan and manage their own studies in a variety of ways.
168 (c) Classroom teachers, as defined in s. 1012.01(2)(a),
169 shall be evaluated based on performance pursuant to s. 1012.34.
170 However, an innovation school may use an equally appropriate
171 formula pursuant to s. 1012.34(7)(b) to make such evaluation.
172 (d) An innovation school may operate as a virtual school.
173 (3) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—A school

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174 district that meets the eligibility requirements of subsection
175 (1) may apply to the State Board of Education at any time to
176 enter into a performance contract to operate an innovation
177 school.
178 (a) The application must, at a minimum:
179 1. Demonstrate how the school district meets and will
180 continue to meet the requirements of this section;
181 2. Identify how the school will accomplish the purposes and
182 guiding principles of this section;
183 3. Identify the statutes or rules from which the district
184 is seeking a waiver for the school;
185 4. Identify and provide supporting documentation for the
186 purpose and impact of each waiver, how each waiver would enable
187 the school to achieve the purpose and guiding principles of this
188 section, and how the school would not be able to achieve the
189 purpose and guiding principles of this section without each
190 waiver; and
191 5. Confirm that the school board remains responsible for
192 the operation, control, and supervision of the school in
193 accordance with all applicable laws, rules, and district
194 procedures not waived pursuant to this section or waived
195 pursuant to other applicable law.
196 (b) The State Board of Education shall approve or deny the
197 application within 90 days or, with the agreement of the school
198 district, at a later date.
199 (c) The performance contract must address the terms under
200 which the State Board of Education may cancel the contract and,
201 at a minimum, the methods by which:
202 1. Upon execution of the performance contract, the school

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203 district will plan the program during the first year, begin at
204 least partial implementation of the program during the second
205 year, and fully implement the program by the third year. A
206 district may implement the program sooner than specified in this
207 paragraph if authorized in the performance contract.
208 2. The school will integrate technology into instruction,
209 assessment, and professional development. The school may also
210 restructure the school day or school year in a way that allows
211 it to best accomplish its goals.
212 3. The school and district will monitor performance
213 progress based on skills that help students succeed in college
214 and careers, including problem solving, research,
215 interpretation, and communication.
216 4. The school will allow students to advance based on
217 student competency and understanding of the content.
218 5. The learning environment will allow for innovation.
219 6. The resources will enable personalization and increase
220 student achievement and college and career readiness.
221 7. The school will incorporate industry certifications and
222 similar recognitions into performance expectations.
223 (d) The State Board of Education shall monitor innovation
224 schools to ensure that the respective school district is in
225 compliance with this section and the performance contract.
226 (e) The State Board of Education shall adopt rules pursuant
227 to ss. 120.536(1) and 120.54 to implement this section,
228 including, but not limited to, an application, evaluation
229 instrument, and renewal evaluation instrument.
230 (f) This section does not supersede the provisions of s.
231 768.28.

232 (4) TERM OF PERFORMANCE CONTRACT.—An innovation school may
233 operate pursuant to a performance contract with the State Board
234 of Education for a period of 5 years.
235 (a) Before expiration of the performance contract, the
236 school's performance shall be evaluated against the eligibility
237 criteria, purpose, guiding principles, and compliance with the
238 contract to determine whether the contract may be renewed. The
239 contract may be renewed every 5 years.
240 (b) The performance contract shall be terminated by the
241 State Board of Education if:
242 1. The school receives a school grade as an innovation
243 school of "F" for 2 consecutive years;
244 2. The school or district fails to comply with the criteria
245 in this section;
246 3. The school or district does not comply with terms of the
247 contract which specify that a violation results in termination;
248 or
249 4. Other good cause is shown.
250 (5) EXEMPTION FROM STATUTES.—
251 (a) An innovation school is generally exempt from chapters
252 1000-1013, and shall have autonomy in the budget, staffing,
253 governance, curriculum, assessment, and school calendar.
254 However, an innovation school shall comply with the following
255 provisions of those chapters:
256 1. Laws pertaining to the following:
257 a. Innovation schools, including this section.
258 b. Student assessment program and school grading system.
259 c. Services to students who have disabilities.
260 d. Civil rights, including s. 1000.05, relating to

261 discrimination.
262 e. Student health, safety, and welfare.
263 2. Laws governing the election and compensation of district
264 school board members and election or appointment and
265 compensation of district school superintendents.
266 3. Section 1003.03, governing maximum class size, except
267 that the calculation for compliance pursuant to s. 1003.03 is
268 the average at the school level.
269 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
270 compensation and salary schedules.
271 5. Section 1012.33(5), relating to workforce reductions.
272 6. Section 1012.335, relating to contracts with
273 instructional personnel hired on or after July 1, 2011.
274 (b) An innovation school shall also comply with chapter 119
275 and section 286.011, relating to public meetings and records,
276 public inspection, and criminal and civil penalties.
277 (c) An innovation school is exempt from ad valorem taxes
278 and the State Requirements for Educational Facilities when
279 leasing facilities.
280 (6) FUNDING.—A district school board operating an
281 innovation school shall report full-time equivalent students to
282 the department in a manner prescribed by the department. As with
283 other schools in the district, funding shall be provided through
284 the Florida Education Finance Program described in ss. 1011.61
285 and 1011.62. An innovation school may seek and receive
286 additional funding through incentive grants or public or private
287 partnerships.
288 (7) REPORTS.—The school district of an innovation school
289 shall submit to the State Board of Education, the President of

290 the Senate, and the Speaker of the House of Representatives an
291 annual report by December 1 of each year which delineates the
292 performance of the innovation school as it relates to the
293 academic performance of students. The annual report shall be
294 submitted in a format prescribed by the Department of Education
295 and must include, but need not be limited to, the following:
296 (a) Evidence of compliance with this section.
297 (b) Efforts to close the achievement gap.
298 (c) Longitudinal performance of students, by grade level
299 and subgroup, in mathematics, reading, writing, science, and any
300 other subject that is included as a part of the statewide
301 assessment program in s. 1008.22.
302 (d) Longitudinal performance for students who take an
303 Advanced Placement Examination, organized by age, gender, and
304 race, and for students who participate in the National School
305 Lunch Program.
306 (e) Number and percentage of students who take an Advanced
307 Placement Examination.
308 Section 5. This act shall take effect July 1, 2013.

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 1390

INTRODUCER: Committee on Education and Senator Montford

SUBJECT: School District Innovation

DATE: April 1, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	**Fav/CS**
2.			AED	
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	x	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 1390 provides a mechanism through which a school district may establish an innovation school within its district, with statutory flexibilities, responsibilities, and authorities that mirror charter schools. The purpose of an innovation school is to utilize innovation and enhance high academic achievement and accountability in exchange for flexibility and exemptions from specific statutes. The bill allows three or more contiguous school districts to apply to enter into a joint performance contract as a Region of Innovation.

The bill also exempts facilities leased by the district from ad valorem taxes, and changes the calculation compliance for maximum class size from the class level, to school level for district schools or programs that are schools of choice (such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment).

The effective date of the bill is July 1, 2013.

This bill substantially amends sections 196.1983 and 1002.31, and creates section 1003.622 of the Florida Statutes.

II. Present Situation:

Academically High-Performing School Districts

To be designated as an academically high-performing school district, a school district must:
- Earn a grade of "A" for two consecutive years and have no grade "F" schools;
- Comply with the class size requirements; and
- Have no material weaknesses or instances of material noncompliance noted in the annual financial audit.[1]

An academically high-performing school district may generally exempt itself from the Florida K-20 Education Code (Education Code).[2] However, each academically high-performing school district must comply with the provisions in the Education Code pertaining to:[3]
- Services to students with disabilities;
- Civil rights and discrimination;
- Student health, safety, and welfare;
- The election or compensation of district school board members;
- The student assessment program and the school grading system;
- Financial matters;
- Planning and budgeting;
- Differentiated pay and performance-pay policies for school administrators and instructional personnel;
- Education facilities; and
- Instructional materials.[4]

An academically high-performing designation lasts for three years.[5] The school district may renew the designation if it continues to meet the eligibility requirements and earns an "A" grade for two years within a three-year period.[6] A school district must notify the State Board of Education (SBE) if it no longer meets eligibility requirements.[7]

For 2011-2012, there were 19 academically high-performing school districts, of which 10 waived some provisions of law.[8] For comparison, in 2010-2011 there were 13 academically high-performing school districts, of which 9 waived some provision of law.[9] The vast majority of the

[1] s. 1003.621(1)(a), F.S.
[2] s. 1003.621(1)(b), F.S. Chapters 1000 through 1013, F.S., are known as the "Florida K-20 Education Code." s. 1000.01(1), F.S.
[3] s. 1003.621(2)(a)-(j), F.S.
[4] s. 1003.621(2), F.S.
[5] s. 1003.621(1), F.S.
[6] *Id*.
[7] *Id*.
[8] Email, Florida Department of Education, Re: Chart of Active Waivers By Academically High Performing Districts (March 25, 2013), on file with the Committee of Education Staff. The school districts designated as academic high-performing school districts for the 2011-12 academic year were: Brevard, Calhoun, Charlotte, Citrus, Clay, Flagler, Gilchrist, Gulf, Lee, Leon, Martin, Nassau, Palm Beach, St. Johns, Sarasota, Seminole, Sumter, Wakulla, and Walton.
[9] *Id*.

waivers for 2010-2011 and 2011-2012 related to the school opening and closing dates (i.e., opening schools earlier than 14 days before Labor Day).

III. Effect of Proposed Changes:

CS/SB 1390 provides a mechanism through which a school district may establish an innovation school within its district, with statutory flexibilities, responsibilities, and authorities that mirror charter schools. The purpose of an innovation school is to utilize innovation and enhance high academic achievement and accountability in exchange for flexibility and exemptions from specific statutes.

The bill also exempts facilities leased by the district from ad valorem taxes, and changes the compliance calculation for maximum class size from the class level, to school level for district schools or programs that are schools of choice (such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment).

District Innovation Schools

The bill creates district innovation schools and authorizes school districts that meet specified requirements to apply to the State Board of Education to enter into a performance contract to operate an innovation school within the district.

<u>Purpose and Principles</u>
The purpose of an innovation school is to utilize innovation and enhance high academic achievement and accountability in exchange for flexibility and exemptions from specific statutes. An innovation school is a school that:

- Operates as a public school of parental choice pursuant to s. 1002.31;
- Focuses on teaching and learning infused with current technology;
- Prepares students for a career or postsecondary education;
- Utilizes innovation and enhances high student academic achievement and accountability;
- Enhances academic success and financial efficiency by aligning responsibility with accountability;
- Provides a parent with information for each year spent in the innovation school regarding the educational progress of his or her child, the child's reading grade level, and the child's perforance toward achieving common core standards appropriate for the student's grade level;
- Has a theme or academic focus that is based on innovation and is unique in the district;
- Offers specialized programs and created innovative learning approaches in a diverse environment; and
- Could operate as a virtual school.

The principles of an innovation school are:

- Student learning is aligned with Next Generation Sunshine State Standards;
- Students advance by demonstrating skills, abilities, and knowledge necessary to ensure a successful career;
- Teachers, advisors, students, and parents manage a personalized learning plan that accounts for each student's preferred pace and learning style;

- Each student learns in the way he or she learns best, such as independently, one-on-one with a coach, collaboratively in small groups, online, through internships or early college courses, or in other real-world contexts; and
- Instructional personnel take on roles as learning coaches, advisors, and content and assessment experts.

An innovation school must:
- Meet high standards of student achievement;
- Implement innovative learning methods, including blended learning, and assessment tools to implement a schoolwide transformation to improve student learning and academic achievement;
- Measure student performance based on student learning growth, or student achievement if student learning growth cannot be measured;
- Incorporate industry certifications and similar recognitions into performance expectations; and
- Tailor the program to students at the school, personalize education for each student, and empower students to plan and manage their own studies in a variety of ways.

Application & Expansion
A school district could apply to the State Board of Education to enter into a performance contract to operate an innovation school if the district:
- Has at least 20% of its total enrollment in public school choice programs or at least 5% of its total enrollment in charter schools;
- Has no material weaknesses or instances of material noncompliance noted in the annual financial audit conducted; and
- Has not received a district grade below B in the past 3 years.

A school district that meets the eligibility requirements could apply to the State Board of Education at any time to enter into a performance contract to operate an innovation school. The State Board of Education would either approve or deny the application within 90 days, or later time if agreed upon by the school district. The application must, at a minimum:
- Demonstrate how the school district meets and will continue to meet applicable requirements;
- Identify how the school will accomplish the purpose and guiding principles;
- Identify the statutes or rules the district is seeking to waive;
- Identify and provide supporting documentation for the purpose and impact of each waiver, how each waiver would enable the school to achieve the purpose and guiding principles of this section, and how the school would not be able to achieve the purpose and guiding principles of this section without each waiver; and
- Confirm that the school board remains responsible for the operation, control and supervision of the school in accordance with all applicable laws, rules and district procedures not waived pursuant to this section or waived pursuant to other applicable law.

A school district could apply to the State Board of Education to establish additional innovation schools if each existing innovation school: Additionally, three or more contiguous school districts could apply to enter into a joint performance contract as a Region of Innovation.

- Has a grade of "A" or "B;"
- Meets all requirements of innovation schools and the performance contract; and
- Has at least 50% of its students exceed the state average on the statewide assessment program. This comparison may take student subgroups into specific consideration so that at least 50% of students in each student subgroup meet or exceed the statewide average performance of the subgroups, when rounded to the nearest whole number, of that particular subgroup.

However, the number of innovation schools per school district could not exceed:
- Seven schools in a school district that has 100,000 or more students;
- Five schools in a school district that has 50,000 to 99,999 students; and
- Three schools in a district that has fewer than 50,000 students.

Performance Contract & Renewal

An innovation school would operate pursuant to a performance contract with the State Board of Education for a period of 5 years. The State Board of Education would monitor the school district and school for compliance with the contract. The performance contract must address, but not be limited to, identifying:
- That an innovation school may plan during the first year, begin at least partial implementation during the second year, and fully implement the program by the third year. However, a district may implement the program sooner than specified if authorized in the performance contract;
- How the school will integrate technology into instruction, assessment, and professional development. The school must restructure the school day or school year in a way that allows it to best accomplish its goals;
- How the school and district will monitor performance progress based on skills that help students succeed in college and careers, including problem solving, research, interpretation, and communication;
- How the school will allow students to advance based on student competency and understanding of the content;
- How the learning environment will allow for innovation and how the resources will enable personalization and increase student achievement and college and career readiness;
- How the school will incorporate industry certifications and similar recognitions into performance expectations; and
- That the State Board of Education may cancel the contract if:
  - The school receives a school grade of "F" as an innovation school for 2 consecutive years;
  - The school or district fails to comply with statutory requirements or the contract; or
  - Other good cause shown.

The school's performance would be evaluated against the eligibility criteria, purpose, guiding principles, and compliance with the contract to determine contract renewal. The contract could be renewed every 5 years.

Student Enrollment
An innovation school would be open to any student covered in an interdistrict agreement or residing in the school district. If the number of student applicants exceed capacity, a random public random selection process would be performed. A district could give an enrollment preference to students who identify the innovation school as the student's preferred choice pursuant to the district's controlled open enrollment plan.

Funding
A district school board operating an innovation school would report full-time equivalent students to the department in a manner prescribed by the department. As with other schools in the district, funding would be provided through the Florida Education Finance Program as provided in ss. 1011.61 and 1011.62, F.S. An innovation school could seek and receive additional funding through incentive grants or public or private partnerships.

Exemptions from Statutes
An innovation school would be exempt from many provisions in the Education Code, including, but not limited to:

- Autonomy in the budget, staffing, governance, curriculum, assessment, and school calendar;
- Exemption from the State Requirements for Educational Facilities when leasing facilities; and
- Evaluating classroom teachers based on performance; however, an innovation school could use an equally appropriate formula to make the evaluation.

However, an innovation school must comply with the following statutes in the Education Code:

- Statutes specifically applying to innovation schools, including this section;
- Statutes pertaining to the student assessment program and school grading system;
- Statutes pertaining to the provision of services to students with disabilities;
- Statutes pertaining to civil rights;
- Statutes pertaining to student health, safety, and welfare;
- Laws governing the election and compensation of district school board members and election or appointment and compensation of district school superintendents;
- Section 1003.03, F.S., relating to the maximum class size, except that the calculation for compliance is the average at the school level; and
- Certain statutes pertaining to contracts with instructional personnel.

Reports
The school district of an innovation school would submit to the State Board of Education and the Legislature an annual report by December 1 of each year which delineates the performance of the school of innovation in regards to the academic performance of students. The annual report would be submitted in a format prescribed by the Department of Education and would include, but need not be limited to, the following:

- Evidence of compliance with this section;
- Efforts to close the achievement gap;
- Longitudinal performance of students, by grade level and subgroup, in mathematics, reading, writing, science, and any other subject that is included as a part of the statewide assessment program;

- Longitudinal performance regarding students who take an Advanced Placement Examination organized by demographic group, specifically by age, gender, and race, and by participation in the National School Lunch Program; and
- Number and percentage of students who take an Advanced Placement Examination.

Class Size

For district schools of choice, the bill changes the maximum class size compliance calculation from the average number of students at the class level to the average number of students at the school level. District schools of choice are schools such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.

Article IX, Section 1 of the Florida Constitution states in part that "[t]o assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that… there are a sufficient number of classrooms so that" the maximum number of students who are assigned to each teacher who is teaching in public school classrooms for various grades do not exceed a specific number. The Legislature implements the constitutional provision through responsibilities and penalties specified in s. 1003.03, F.S.

Ad Valorem Taxes

The bill specifically exempts property leased by districts from ad valorem taxes. The landlord would certify by affidavit that lease payments are reduced to the extent of the exemption. The owner of the property must disclose the full amount of the benefit derived from the exemption and ensure that the district receives the benefit through a credit to lease payments. The practical effect is to provide to school districts the same exemption provided to charter schools regarding leased property.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Calculating the class size penalty at the school level instead of the class level may decrease the amount deducted from a school district's class size reduction operating categorical.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Education on April 1, 2013:
CS/SB 1390 differs from SB 1390 in that it:

- Deletes all references to charter schools and academically high performing school districts.
- Expands upon the creation of a district school of innovation.
- Requires a school district that seeks an innovation school to apply to the State Board of Education for approval to enter into a performance contract to create a school of innovation.
- Contains necessary provisions related to the creation of an innovation school, such as the purpose and definition of a school of innovation, the application and contract process, the operation of the school, and renewal and termination provisions.
- Authorizes three or more contiguous school districts to apply to enter into a joint performance contract as a Region of Innovation.

B. Amendments:

None.

By Senator Montford

3-00660A-13 20131390__

A bill to be entitled

An act relating to charter schools; providing a short title; providing legislative findings and intent; creating the Florida Innovation Zone Schools Act to allow school districts to designate certain schools to serve as incubators of innovation and transformation of public education; requiring such schools to personalize education for each student; exempting innovation zone schools from ch. 1000-1013, F.S., subject to certain exceptions; providing guiding principles by which the innovation zone schools should function; establishing elements of the program; providing that a participating school district has autonomy in certain areas; amending s. 196.1983, F.S.; granting school district programs the ad valorem tax exemption given to charter schools and creating certain restrictions on the exempt property; requiring a landlord to certify compliance by affidavit; restricting the use of capital outlay funds for property improvements if the property is exempt from ad valorem taxes; amending s. 1002.31, F.S.; providing a calculation for compliance with class size maximums for a public school of choice or an innovation zone school; amending s. 1002.33, F.S.; conforming a cross-reference; modifying requirements for charter school applications; creating new reporting requirements for charter schools regarding governance, fees, and students; providing a funding requirement for a student who transfers between a charter school and

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district school; authorizing a district school board to negotiate an appropriate usage fee based on market value for unused space; deleting a prohibition on rental or leasing fees on existing public schools that convert to charter schools; prohibiting a charter school from selling or renting out property from a school district without written permission of the school district; providing that certain recommendations from the department are not binding on a school district; restricting use of capital outlay funds; deleting restrictions on withheld administrative fees; amending s. 1002.345, F.S.; restricting charter schools or technical career centers having financial problems from certain activities and requiring disclosure of such financial problems on subsequent applications; creating s. 1003.622, F.S.; providing legislative intent; recognizing academically high-performing school choice districts and granting them flexibility; qualifying an academically high-performing school choice district; exempting such districts from ch. 1000-1013, F.S., subject to certain exceptions; exempting such districts from certain ad valorem taxes and other requirements; requiring an academically high-performing school choice district to submit an annual report to the State Board of Education and the Legislature; specifying requirements for such report; amending 1010.305, F.S.; extending student enrollment auditing procedures to charter schools; providing that

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a school district or charter school may request an expedited review by the Auditor General; providing an effective date.

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

Section 1. Florida Innovation Zone Schools.—

(1) SHORT TITLE.—This section may be cited as the "Florida Innovation Zone Schools Act."

(2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the 19th and 20th century models of education do not meet the needs of the 21st century world as current public school years are based on an agrarian calendar and most public school classrooms are based on an antiquated classroom model. The Legislature further finds that credit-based instruction and one comprehensive standardized assessment do not accurately measure student learning or prepare students for adulthood. The Legislature finds that Florida is already a leader in education accountability and innovation and that this state should take such innovation to another level by replacing an outdated, homogenized model with a vibrant, rigorous model that allows students to thrive and be prepared to meet the economic and political challenges of the 21st century. The public schools in this state should be the education incubators that disrupt the old status quo. The Legislature intends to establish schools that serve as incubators of innovation and transform public education.

(3) FLORIDA INNOVATION ZONE SCHOOLS ACT.—The Florida Innovation Zone Schools Act is created to allow participating

schools to serve as incubators of innovation and transform public education. An innovation zone school, which is designated as such by the school district to which it belongs, may be funded on incentive grants or through public or private partnerships. Participating schools are exempt from chapters 1000-1013, Florida Statutes, except those laws specifically pertaining to health, safety, antidiscrimination, or public records and meetings. Such schools are also specifically exempt from class size requirements. Teachers shall continue to be evaluated based on performance but innovation zone schools may use different methods to make such evaluation.

(4) GUIDING PRINCIPLES.—An innovation zone school shall be guided by the following principles:

(a) *Globally competitive standards.*—Student learning outcomes are aligned with the common core standards.

(b) *Competency-based learning and assessment.*—Students advance by demonstrating skills, abilities, and knowledge on how to be successful, rather than the traditional way of receiving credit based on seat time in a classroom.

(c) *Personalized learning plans.*—Teachers, advisors, students, and parents manage a personalized learning plan that accounts for each student's preferred pace and learning style.

(d) *Multiple modes of learning.*—Each student learns in the way he or she learns best, be it independently, one-on-one with a coach, collaboratively in small groups, online, through internships or early college courses, or in other real-world contexts.

(e) *New staff and student roles.*—School staff shall take on new roles as learning coaches, advisors, and content and

117 assessment experts. Students are empowered to plan and manage
118 their own studies in a variety of ways. The program must be
119 tailored to the students at the school to personalize education
120 for each student.
121 (5) PROGRAM ELEMENTS.—An innovation zone school shall:
122 (a) Upon designation by the school district, plan during
123 the first year, begin at least partial implementation during the
124 second year, and fully implement the program by the third year.
125 (b) Integrate technology into instruction, assessment, and
126 professional development. The school shall also restructure the
127 school day or school year in a way that allows it to best
128 accomplish its goals.
129 (c) Monitor performance progress based on skills that help
130 students succeed in college and careers, including problem
131 solving, research, interpretation, and communication. The
132 program must use competency-based grading and look into ways to
133 allow students to advance based on their understanding of the
134 content, not on time spent, and to measure success accordingly.
135 The learning environment must allow for innovation and the
136 resources must enable personalization and increase student
137 achievement and college and career readiness.
138 (6) POWERS OF SCHOOL DISTRICTS.—A participating school
139 district has autonomy in the budget, staffing, governance,
140 curriculum, assessment, and school calendar.
141 Section 2. Section 196.1983, Florida Statutes, is amended
142 to read:
143 196.1983 Charter school and school district program
144 exemption from ad valorem taxes.—Any facility, or portion
145 thereof, used to house a school district program or charter

146 school whose charter has been approved by the sponsor and the
147 governing board pursuant to s. 1002.33(7) is ~~shall be~~ exempt
148 from ad valorem taxes. For leasehold properties, the landlord
149 must certify by affidavit to the district or charter school
150 sponsor that the lease payments shall be reduced to the extent
151 of the exemption received, that the lease payments before
152 reduction do not exceed fair market value, and that the
153 transaction does not involve related parties as described in s.
154 1002.33(7)(a)18. The owner of the property shall disclose ~~to a~~
155 ~~charter school~~ the full amount of the benefit derived from the
156 exemption and the method for ensuring that the district or
157 charter school receives such benefit. The charter school shall
158 receive the full benefit derived from the exemption through
159 ~~either~~ an annual or monthly credit to the district or charter
160 school's lease payments. For property exempt from ad valorem
161 taxes pursuant to this section, district or public education
162 capital outlay funds may be used for property improvements only
163 if:
164 (1) The transaction does not, directly or indirectly,
165 involve relatives; and
166 (2) The lease or contract makes adequate provision for
167 crediting or reimbursing such funding when the property is no
168 longer used for exempt purposes.
169 Section 3. Subsections (9) and (10) are added to section
170 1002.31, Florida Statutes, to read:
171 1002.31 Public school parental choice.—
172 (9) For a school or program that is a public school of
173 choice under this section, the calculation for compliance with
174 maximum class size pursuant to s. 1003.03 is the average number

175 of students at the school level.
176 (10) For a school or program that is an innovation zone
177 school under the Florida Innovation Zone Schools Act, the
178 calculation for compliance with maximum class size pursuant to
179 s. 1003.03 is the average number of students at the school
180 level.
181 Section 4. Subsection (1), paragraph (a) of subsection (6),
182 paragraphs (c), (e), and (g) of subsection (18), subsection
183 (19), and paragraph (a) of subsection (20) of section 1002.33,
184 Florida Statutes, are amended, paragraph (g) is added to
185 subsection (17), present paragraphs (c) and (d) of subsection
186 (7) are redesignated as paragraphs (d) and (e), respectively,
187 and a new paragraph (c) is added to subsection (7) of that
188 section, to read:
189 1002.33 Charter schools.—
190 (1) AUTHORIZATION.—Charter schools shall be part of the
191 state's program of public education. All charter schools in
192 Florida are public schools. A charter school may be formed by
193 creating a new school or converting an existing public school to
194 charter status. A charter school may operate a virtual charter
195 school pursuant to s. 1002.45(1)(d) to provide full-time online
196 instruction to eligible students, pursuant to s. 1002.455, in
197 kindergarten through grade 12. A charter school must amend its
198 charter or submit a new application pursuant to subsection (6)
199 to become a virtual charter school. A virtual charter school is
200 subject to the requirements of this section; however, a virtual
201 charter school is exempt from subsections (18) and (19),
202 subparagraphs (20)(a)1. and 2. ~~(20)(a)2., 4., 5., and 7.~~,
203 paragraph (20)(c), and s. 1003.03. A public school may not use

204 the term charter in its name unless it has been approved under
205 this section.
206 (6) APPLICATION PROCESS AND REVIEW.—Charter school
207 applications are subject to the following requirements:
208 (a) A person or entity wishing to open a charter school
209 shall prepare and submit an application on a model application
210 form prepared by the department ~~of Education~~ which:
211 1. Demonstrates how the school will use the guiding
212 principles and meet the statutorily defined purpose of a charter
213 school.
214 2. Provides a detailed curriculum plan that illustrates how
215 students will be provided services to attain the Sunshine State
216 Standards.
217 3. Contains goals and objectives for improving student
218 learning and measuring that improvement. These goals and
219 objectives must indicate how much academic improvement students
220 are expected to show each year, how success will be evaluated,
221 and the specific results to be attained through instruction.
222 4. Describes the reading curriculum and differentiated
223 strategies that will be used for students reading at grade level
224 or higher and a separate curriculum and strategies for students
225 who are reading below grade level. A sponsor shall deny a
226 charter if the school does not propose a reading curriculum that
227 is consistent with effective teaching strategies that are
228 grounded in scientifically based reading research.
229 5. Contains an annual financial plan for each year
230 requested by the charter for operation of the school for up to 5
231 years. This plan must contain anticipated fund balances based on
232 revenue projections, a spending plan based on projected revenues

233 and expenses, and a description of controls that will safeguard
234 finances and projected enrollment trends.
235 6. Documents that the applicant has participated in the
236 training required in subparagraph (f)2. A sponsor may require an
237 applicant to provide additional information as an addendum to
238 the charter school application described in this paragraph.
239 7. For the establishment of a virtual charter school,
240 documents that the applicant has contracted with a provider of
241 virtual instruction services pursuant to s. 1002.45(1)(d).
242 8. Demonstrates that the charter school governing board is
243 independent of any management company and that termination of
244 any management company contract rests with the governing board.
245 (7) CHARTER.—The major issues involving the operation of a
246 charter school shall be considered in advance and written into
247 the charter. The charter shall be signed by the governing board
248 of the charter school and the sponsor, following a public
249 hearing to ensure community input.
250 (c) The charter school must:
251 1. Document, for the initial and any subsequent charter,
252 that the governing board is independent of any management
253 company and that termination of any management company contract
254 rests with the governing board.
255 2. Document the administrative fee and any other fee
256 provided to a management company for the operation, management,
257 or any involvement with the charter school.
258 3. Document that any lease payment for real property,
259 facilities, equipment, and employment is within the fair market
260 value of the community in which the charter school is located.
261 4. In order to provide funding and administrative

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262 transparency, report to the Department of Education and, through
263 a central website, to parents, the following information:
264 a. Any management fee and fee structure.
265 b. Salaries or fees of management personnel,
266 administrators, principals, teachers, and support staff.
267 c. Ratio of administrators to teachers.
268 d. Number of free or reduced-priced lunch students,
269 exceptional education students, and English for Speakers of
270 Other Languages students as compared to other school districts.
271 5. Provide a report to the sponsor and the department
272 describing the innovative programs and instructional strategies
273 provided to students which differ from the programs and
274 strategies provided in traditional public schools. The
275 department shall identify the innovative programs and strategies
276 and incorporate them into the analysis of charter school
277 performance required under subsection (23).
278 (17) FUNDING.—Students enrolled in a charter school,
279 regardless of the sponsorship, shall be funded as if they are in
280 a basic program or a special program, the same as students
281 enrolled in other public schools in the school district. Funding
282 for a charter lab school shall be as provided in s. 1002.32.
283 (g) If a student transfers from a charter school to a
284 district school or from a district school to a charter school
285 after the first day of the school year, funding must be
286 allocated proportionately according to the number of days that
287 the student attends the charter school or traditional public
288 school.
289 (18) FACILITIES.—
290 (c) Any facility, or portion thereof, used to house a

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291 school district program or charter school whose charter has been
292 approved by the sponsor and the governing board, pursuant to
293 subsection (7), is ~~shall be~~ exempt from ad valorem taxes
294 pursuant to s. 196.1983. Library, community service, museum,
295 performing arts, theatre, cinema, church, Florida College System
296 institution, college, and university facilities may provide
297 space to charter schools within their facilities under their
298 preexisting zoning and land use designations.
299 (e) If a district school board facility or property is
300 available because the district school board has deemed it as ~~it~~
301 ~~is~~ surplus, marked for disposal, or otherwise unused, and the
302 facility is appropriate for student instruction, it may ~~shall~~ be
303 made available ~~provided~~ for a charter school's use based on
304 reasonable eligibility criteria for applicants and below-market
305 lease or purchase terms that fairly reflect existing debt, and
306 the availability of alternative facilities. The school district
307 may negotiate an appropriate usage fee based on market value ~~on~~
308 ~~the same basis as it is made available to other public schools~~
309 ~~in the district~~. A charter school receiving property from the
310 school district may not sell or dispose of such property without
311 written permission of the school district. ~~Similarly, for an~~
312 ~~existing public school converting to charter status, no rental~~
313 ~~or leasing fee for the existing facility or for the property~~
314 ~~normally inventoried to the conversion school may be charged by~~
315 ~~the district school board to the parents and teachers organizing~~
316 ~~the charter school.~~ The charter school shall agree to reasonable
317 maintenance provisions in order to maintain the facility in a
318 manner similar to district school board standards. A charter
319 school receiving property from the school district may not

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320 relet, sublet, sell, or dispose of such property without written
321 permission of the school district. The lease may provide for use
322 of public education capital outlay maintenance funds or any
323 other maintenance funds if such use is consistent with the
324 district's 5-year work plan ~~generated by the facility operated~~
325 ~~as a conversion school shall remain with the conversion school~~.
326 (g) Each school district shall annually provide to the
327 Department of Education as part of its 5-year work plan the
328 number of existing vacant classrooms in each school that the
329 district does not intend to use or does not project will be
330 needed for educational purposes for the following school year.
331 The department may recommend that a district make such space
332 available to an appropriate charter school pursuant to paragraph
333 (e). The recommendation is not binding on the district school
334 board.
335 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible
336 for capital outlay funds pursuant to s. 1013.62. Capital outlay
337 funds authorized in ss. 1011.71(2) and 1013.62 which were ~~have~~
338 ~~been~~ shared with a charter school-in-the-workplace before ~~prior~~
339 ~~to~~ July 1, 2010, are deemed to have met the authorized
340 expenditure requirements for such funds. Charter schools may
341 spend capital outlay funds only on assets that can be returned
342 to the school district.
343 (20) SERVICES.—
344 (a)~~1.~~ A sponsor shall provide certain administrative and
345 educational services to charter schools. These services ~~shall~~
346 include contract management services; full-time equivalent and
347 data reporting services; exceptional student education
348 administration services; services related to eligibility and

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349 reporting duties required to ensure that school lunch services
350 under the federal lunch program, consistent with the needs of
351 the charter school, are provided by the school district at the
352 request of the charter school, that any funds due to the charter
353 school under the federal lunch program be paid to the charter
354 school as soon as the charter school begins serving food under
355 the federal lunch program, and that the charter school is paid
356 at the same time and in the same manner under the federal lunch
357 program as other public schools serviced by the sponsor or the
358 school district; test administration services, including payment
359 of the costs of state-required or district-required student
360 assessments; processing of teacher certificate data services;
361 and information services, including equal access to student
362 information systems that are used by public schools in the
363 district in which the charter school is located. Student
364 performance data for each student in a charter school,
365 including, but not limited to, FCAT scores, standardized test
366 scores, previous public school student report cards, and student
367 performance measures, shall be provided by the sponsor to a
368 charter school in the same manner provided to other public
369 schools in the district.
370 1.~~2.~~ A total administrative fee for the provision of such
371 services shall be calculated based on ~~upon~~ up to 5 percent of
372 the available funds defined in paragraph (17)(b) for all
373 students; however, if ~~except that when~~ 75 percent or more of the
374 students enrolled in the charter school are exceptional students
375 as defined in s. 1003.01~~(3)~~, the 5 percent of those available
376 funds shall be calculated based on unweighted full-time
377 equivalent students. ~~However, a sponsor may only withhold up to~~

378 ~~a 5-percent administrative fee for enrollment for up to and~~
379 ~~including 250 students. For charter schools with a population of~~
380 ~~251 or more students, the difference between the total~~
381 ~~administrative fee calculation and the amount of the~~
382 ~~administrative fee withheld may only be used for capital outlay~~
383 ~~purposes specified in s. 1013.62(2).~~
384 ~~3. For high-performing charter schools, as defined in ch.~~
385 ~~2011-232, a sponsor may withhold a total administrative fee of~~
386 ~~up to 2 percent for enrollment up to and including 250 students~~
387 ~~per school.~~
388 ~~4. In addition, a sponsor may withhold only up to a 5-~~
389 ~~percent administrative fee for enrollment for up to and~~
390 ~~including 500 students within a system of charter schools which~~
391 ~~meets all of the following:~~
392 ~~a. Includes both conversion charter schools and~~
393 ~~nonconversion charter schools;~~
394 ~~b. Has all schools located in the same county;~~
395 ~~c. Has a total enrollment exceeding the total enrollment of~~
396 ~~at least one school district in the state;~~
397 ~~d. Has the same governing board; and~~
398 ~~e. Does not contract with a for-profit service provider for~~
399 ~~management of school operations.~~
400 ~~5. The difference between the total administrative fee~~
401 ~~calculation and the amount of the administrative fee withheld~~
402 ~~pursuant to subparagraph 4. may be used for instructional and~~
403 ~~administrative purposes as well as for capital outlay purposes~~
404 ~~specified in s. 1013.62(2).~~
405 ~~6. For a high-performing charter school system that also~~
406 ~~meets the requirements in subparagraph 4., a sponsor may~~

407 ~~withhold a 2-percent administrative fee for enrollments up to~~
408 ~~and including 500 students per system.~~
409 2.~~7.~~ Sponsors may ~~shall~~ not charge charter schools ~~any~~
410 additional fees or surcharges for administrative and educational
411 services ~~in addition to the maximum 5-percent administrative fee~~
412 ~~withheld pursuant to this paragraph~~.
413 3.~~8.~~ The sponsor of a virtual charter school may withhold a
414 fee of up to 5 percent. The funds must ~~shall~~ be used to cover
415 the cost of services provided under this paragraph ~~subparagraph~~
416 ~~1.~~ and for the school district's local instructional improvement
417 system pursuant to s. 1006.281 or other technological tools that
418 are required to access electronic and digital instructional
419 materials.
420 Section 5. Subsection (7) is added to section 1002.345,
421 Florida Statutes, to read:
422 1002.345 Determination of deteriorating financial
423 conditions and financial emergencies for charter schools and
424 charter technical career centers.—This section applies to
425 charter schools operating pursuant to s. 1002.33 and to charter
426 technical career centers operating pursuant to s. 1002.34.
427 (7) EFFECT ON OTHER APPLICATIONS.—If a charter school or
428 charter technical career center exhibits a deteriorating
429 financial condition or is subject to a financial recovery plan
430 or corrective action plan, the governing board of the charter
431 school or charter technical career center, or any related
432 entity, is not eligible to apply for additional charter schools
433 or charter technical centers under s. 1002.33, s. 1002.331, or
434 s. 1002.45 until the financial condition or financial recovery
435 plan has been satisfactorily resolved. The existence and

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436 resolution of financial emergencies or poor financial conditions
437 as provided in this chapter shall be disclosed in subsequent
438 applications by the applicant under s. 1002.33(6) and be
439 considered in determining whether the financial management
440 practices materially comply with that section.
441 Section 6. Section 1003.622, Florida Statutes, is created
442 to read:
443 1003.622 Academically high-performing school choice
444 districts.—It is the intent of the Legislature to recognize and
445 reward school districts that demonstrate the ability to provide
446 its residents with a broad range of choice programs. The purpose
447 of this section is to provide high-performing school choice
448 districts with flexibility in meeting the specific requirements
449 of law and rules of the State Board of Education.
450 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL CHOICE DISTRICT.—
451 (a) A school district is an academically high-performing
452 school choice district if it:
453 1. Earns a grade of "A" or "B" as provided in s. 1008.34
454 for 2 consecutive years;
455 2. Has at least 20 percent of its total enrollment in
456 public choice programs or at least 5 percent of its total
457 enrollment in charter schools;
458 3. Has no material weaknesses or instances of material
459 noncompliance noted in the annual financial audit conducted
460 pursuant to s. 218.39; and
461 4. Operates as a school choice district that focuses on
462 teaching and learning infused with up-to-date technology that
463 prepares students for work or postsecondary education.
464 (b) A school district that satisfies the eligibility

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465 criteria in this subsection shall be designated by the State
466 Board of Education as an academically high-performing school
467 choice district. The academically high-performing school choice
468 district retains its status as a high-performing school choice
469 district for 5 years and may renew the designation if the
470 district meets the requirements in this section. A school
471 district that fails to meet the requirements in this section
472 must provide written notification to the State Board of
473 Education that the district is no longer eligible for
474 designation as an academically high-performing school choice
475 district.
476 (c) A district designated as an academically high-
477 performing school choice district is exempt, during the time the
478 district continues to meet all eligibility criteria, from
479 chapters 1000-1013 pertaining to school districts and rules of
480 the State Board of Education which implement these exempt
481 provisions. However, an academically high-performing school
482 choice district must comply with:
483 1. Laws pertaining to the following:
484 a. Student health, safety, and welfare.
485 b. Services for students who have disabilities.
486 c. Student assessment programs and school grading systems.
487 d. Civil rights, including s. 1000.05, relating to
488 discrimination.
489 2. Laws governing the election and compensation of district
490 school board members and election or appointment and
491 compensation of district school superintendents.
492 3. Section 1003.03, relating to the maximum class size,
493 except that the calculation for compliance pursuant to s.

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494 1003.03 is the average at the school level.
495 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
496 public school personnel compensation and salary schedules; s.
497 1012.34, relating to personnel evaluation procedures and
498 criteria; and ss. 1012.33 and 1012.335, relating to contracts
499 with instructional personnel, staff, supervisors, and school
500 administrators.
501 5. Section 286.011, relating to public meetings and
502 records, public inspection, and criminal and civil penalties.
503 6. Chapter 119, relating to public records.
504 (d) Each academically high-performing school choice
505 district shall be included in the definition of eligible
506 entities to apply for and operate a charter school or virtual
507 school and shall be exempt from ad valorem taxes when leasing
508 facilities and from the State Requirements for Educational
509 Facilities.
510 (2) GOVERNING BOARD.—The governing board of an academically
511 high-performing school choice district is the duly elected
512 district school board. The district school board shall supervise
513 the academically high-performing school choice district.
514 (3) REPORTS.—The academically high-performing school choice
515 district shall submit to the State Board of Education and the
516 Legislature an annual report by December 1 of each year which
517 delineates the performance of the school district in regards to
518 the academic performance of students. The annual report shall be
519 submitted in a format prescribed by the Department of Education
520 and must include, but need not be limited to, the following:
521 (a) Evidence of compliance with subsection (1).
522 (b) Efforts to close the achievement gap.

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523 (c) Longitudinal performance of students, by grade level
524 and subgroup, in mathematics, reading, writing, science, and any
525 other subject that is included as a part of the statewide
526 assessment program in s. 1008.22.
527 (d) Longitudinal performance regarding students who take an
528 Advanced Placement Examination organized by demographic group,
529 specifically by age, gender, and race, and by participation in
530 the National School Lunch Program.
531 (e) Number and percentage of students who take an Advanced
532 Placement Examination.
533 Section 7. Section 1010.305, Florida Statutes, is amended
534 to read:
535 1010.305 Audit of student enrollment.—
536 (1) The Auditor General shall periodically examine the
537 records of school districts, charter schools, and other agencies
538 as appropriate, to determine compliance with law and State Board
539 of Education rules relating to the classification, assignment,
540 and verification of full-time equivalent student enrollment and
541 student transportation reported under the Florida Education
542 Finance Program. A school district or charter school may request
543 expedited review by the Auditor General.
544 (2) If it is determined that the approved criteria and
545 procedures for the placement of students and the conduct of
546 programs have not been followed by the district or by a
547 district-sponsored charter school, appropriate adjustments in
548 the full-time equivalent student count for that district or
549 charter school must be made, and any excess funds must be
550 deducted from subsequent allocations of state funds to that
551 district or charter school. As provided for by rule, if errors

552 in a specific program of a district or charter school recur in
553 consecutive years due to lack of corrective action by the
554 district or charter school, adjustments may be made based upon
555 statistical estimates of error projected to the overall district
556 or charter school program.
557 Section 8. This act shall take effect July 1, 2013.

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/2013
Meeting Date

Topic: District Flexibility

Bill Number: SB 1390 *(if applicable)*

Name: Robert Cerra

Amendment Barcode: 174548 *(if applicable)*

Job Title: Governmental Consultant

Address: 206 South Monroe #104
Street

Tallahassee FL 32301
City *State* *Zip*

Phone: 850-222-4428

E-mail: bobcerra@comcast.net

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

Representing: Lee County School Board

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.

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: Innovation Schools

Bill Number: PCS 1390 *(if applicable)*

Name: Joy Frank

Amendment Barcode: *(if applicable)*

Job Title: General Counsel

Address: 208 S. Monroe St.
Street

Tallahassee FL 32301
City *State* *Zip*

Phone: 850-577-5784

E-mail: JFRANK@FAPSS.org

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

Representing: Fl. Assoc. of Distr. School Supt.

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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/2013
Meeting Date

Topic _____

Bill Number 1390 *(if applicable)*

Name JIM HORNE

Amendment Barcode _____ *(if applicable)*

Job Title _____

Address 200 W COLLEGE
Street

TALL FL 32301
City *State* *Zip*

Phone 904-759-4596

E-mail _____

Speaking: [✓] For [ ] Against [ ] Information

Representing AIF & FL CHARTER SCHOOL ALLIANC

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

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

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/1/13
Meeting Date

Topic: Schools of Innovation - Region of Innovation

Bill Number: 1398 *(if applicable)*

Name: Vernon A. Pickup-Crawford

Amendment Barcode: PCS (133024) + Amend 174548 *(if applicable)*

Job Title: Legislative Liaison

Address: 571 Kingsbury Terrace
Street

Wellington, FL 33414
City, State, Zip

Phone: 561.644.2439

E-mail: vacrawford@msn.com

Speaking: [✓] For [ ] Against [ ] Information

Representing: Charlotte, Collier, Treasure Coast, Palm Beach school Districts

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

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

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

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

S-001 (10/20/11)

The Florida Senate

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 1718

INTRODUCER: Community Affairs Committee and Senator Flores and others

SUBJECT: Discretionary Sales Surtaxes

DATE: April 1, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Yeatman	CA	**Fav/CS**
2.	Harkey	Klebacha	ED	**Favorable**
3.			AFT	
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	x	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 1718 authorizes a new discretionary sales surtax known as the Florida College Surtax. Under the bill, a county as defined in section 125.011(1), Florida Statutes, may levy a voter-approved discretionary sales surtax of up to 0.5 percent for the benefit of a Florida College System institution. The bill also establishes procedures and requirements for surtax deposits, investments and usage. An independent oversight board approves college funding allocation plans. Any approved surtax expires after 5 years.

This bill takes effect upon becoming law.

This bill amends section 212.055 of the Florida Statutes.

II. Present Situation:

Local Discretionary Sales Surtax
A "surtax" is an extra tax or charge.[1] Sections 212.054 and 212.055, F.S., authorize Florida counties to charge a discretionary sales surtax on all transactions subject to the state sales and use tax. Only those surtaxes specifically designated may be levied.

Section 212.055, F.S., authorizes counties to impose eight local discretionary sales surtaxes on all transactions occurring in the county subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions and on communications services, defined in ch. 202, F.S.[2] The eight surtaxes are:

- the charter county and regional transportation system surtax,
- the local government infrastructure surtax,
- the small county surtax,
- the county public hospital surtax,
- the school capital outlay surtax,
- the voter-approved indigent care surtax,
- the emergency fire rescue services and facilities surtax, and
- the indigent care and trauma center surtax.

The maximum discretionary sales surtax that any county can levy depends upon the county's eligibility for the taxes listed in s. 212.055, F.S. Currently, the maximum surtax actually imposed is 1.5 percent in several counties;[3] however, the theoretical maximum rate ranges between 2 percent and 3.5 percent, depending on the specifics of each individual county. In general, the levy of a particular tax is subject to county voter approval.

The discretionary sales surtax is based on the rate in the county where the taxable goods or services are sold, or delivered into, and is levied in addition to the state tax. The sales amount is not subject to the tax if the property or service is delivered within a county that does not impose a surtax. The surtax does not apply to a sales amount above $5,000 on any item of tangible personal property. This $5,000 cap does not apply to the sale of any service, rentals of real property, or transient rentals.

Miami-Dade currently imposes two local discretionary surtaxes: the Charter County Transit System Surtax at a 0.5 percent rate and the County Public Hospital Surtax at a 0.5 percent rate.[4]

Postsecondary Educational Institutions
Section 1000.21, F.S., provides system-wide definitions as used in the Florida K-20 Education Code. There are 28 postsecondary educational institutions in the Florida College System

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[1] Black's Law Dictionary (9th ed., 2009), tax.
[2] The tax rates, duration of the surtax, method of imposition, and proceed uses are individually specified in s. 212.055, F.S. General limitations, administration, and collection procedures are set forth in s. 212.054, F.S.
[3] See Florida Department of Revenue, *Discretionary Sales Surtax Information: Calendar Year 2013, available at* *http://dor.myflorida.com/dor/forms/2013/dr15dss.pdf*.
[4] 4Florida Department of Revenue, History of Local Sales Tax and Current Rates by County (last updated January 1, 2013) *available at* https://revenuelaw.state.fl.us/LawLibraryDocuments/2012/12/OTH-111189_History%20of%20sales%20tax,%201-01-13.pdf#search.

designated as Florida College System institutions.[5] Among them is Miami Dade College, which serves Miami-Dade County.

Home-Rule Charter Counties

Section 125.011(1), F.S., defines a county as:

> . . . any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, if the county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word "county" within the above provisions shall include "board of county commissioners" of such county.

The local governments authorized to operate under a home rule charter in the State Constitutions of 1885 and 1968 are the city of Key West and Monroe County, Dade County, and Hillsborough County. Of these, only Miami-Dade County operates under a home-rule charter, which was adopted under this constitutional provision on May 21, 1957. In the future, it would be possible for Key West/Monroe County and Hillsborough County to adopt charters under the authorization in the Constitution. To do so, the city of Key West and Monroe County would have to consolidate and adopt a home-rule charter. Hillsborough County would have to abolish the charter it adopted in 1985 under the Optional Charter County Law in Part IV of ch. 125, F.S., and adopt in its place a charter as authorized under the Constitution.[6]

III. Effect of Proposed Changes:

This bill amends s. 212.055, F.S., to add a ninth discretionary sales surtax, known as the Florida College Surtax, authorizing a county as defined in s. 125.011(1), F.S., to levy up to 0.5 percent for the benefit of a Florida College System institution (institution) located in the county. The surtax requires an ordinance conditioned upon approval by a majority of county electors voting in a referendum.

- ❖ The ordinance must outline a plan for permissible uses of surtax proceeds developed by the institution's board of trustees. Proceeds must be set aside and invested as permitted by law, with the principal and income used for purposes including but not limited to academic workforce training programs, capital expenditures and infrastructure projects, and campus fixed capital costs.

The expense of a referendum called for by the institution can only be paid with private source or college auxiliary funds and any referendum must be preceded by 30 days' notice. Referendum ballot guidelines are specified and include a question format currently utilized for other discretionary surtax referenda. Proceeds from the surtax must be deposited into a Florida Prime[7] account managed by the Florida State Board of Administration.

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[5] Prior to the 2011, these institutions were known as "Florida colleges" or "community colleges." See Chapter 2011-5, s. 7, Laws of Fla.

[6] This discussion is drawn from Florida Senate Policy and Steering Committee on Ways and Means, *CS/SB 1576 Analysis: Discretionary Sales Surtax* (April 10, 2009) (on file with the Senate Committee on Community Affairs).

[7] Florida Prime is the state's Local Government Surplus Funds Trust Fund.

Upon approval of a referendum, an independent oversight review board is charged with approving surtax proceeds expenditures. All expenditures must be outlined by the institution in an annual allocation spending plan. Various appointments to the seven-member board are made by the trustees of the institution, the county legislative delegation, the Greater Miami Chamber of Commerce, the United Way of Miami-Dade County and the Beacon Council.[8] Oversight board member terms are four years in length.

An institution's annual apportionment of state funds may not be reduced because the institution has received Florida College Surtax funds. Any discretionary sales surtax approved by voters expires after 5 years.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

This bill may be constitutionally challenged under Art. III, s. 11(a)(2), State Constitution, by alleging that the proposed legislation is a special law or general law of local application relating to taxes. Art. III, s. 11(a)(2), State Constitution, prohibits a special law or general law of local application pertaining to the assessment or collection of taxes. Pursuant to Art. VII, s. 9(a), State Constitution, counties may levy non-ad valorem taxes as authorized under general law.

The courts have defined a general law to mean "[a] statute relating to subdivisions of the state or to subjects, persons or things of a class, based upon proper distinctions and differences that inhere in or are peculiar or appropriate to the classification."[9] A general law may contain classifications, and the legislature has wide discretion in making such classifications, if they are reasonable.[10] In order for a classification to meet the requirements of a general law, the classification: (1) may not be simply a descriptive technique used to identify particular subdivisions to which the statute applies, (2) must operate uniformly among similar situated subdivisions, and (3) may not be arbitrary.[11]

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[8] Beacon Council is Miami-Dade County's official economic development partnership.

[9] *See Metropolitan Dade County v. Golden Nugget Group*, 448 So.2d 515, 519 (Fla. 3rd DCA 1984), *aff'd*, 464 So. 2d 535 (Fla. 1985).

[10] *Id.*

[11] *See City of Miami v. McGrath*, 824 So. 2d 143, 150-151 (Fla. 2002).

When a classification is made by the Legislature in the enactment of general laws, the presumption is in favor of the classification's reasonableness.[12]

This bill authorizes counties, as defined in s. 125.011(1), F.S., to levy a non-ad valorem surtax under certain circumstances. Three counties are potentially eligible to levy the bill's newly created surtax in the future; however, only Miami-Dade County is currently eligible to levy the surtax. In Metropolitan Dade County v. Golden Nugget Group, the court found, in pertinent part, that an act, which authorized counties, as defined in s. 125.011(1), F.S., to levy a convention development tax on specified rentals or leases, was not a general law of local application notwithstanding that only Miami Dade County was authorized to levy the tax.[13] Similarly, this bill defines authorized counties in a manner that is identical to the classification scheme upheld in Metropolitan Dade County v. Golden Nugget Group. However, the court noted in that case that the classification was reasonable because the affected counties each have substantial tourist-oriented economies and the tax's purpose was to construct or improve convention centers for promoting tourism.[14] Accordingly, the court has not addressed whether the classification based on a home-rule charter was an impermissible closed class because it potentially applied to only three counties.[15]

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The sales tax would increase in Miami-Dade County if the county approves an ordinance and Miami-Dade County voters approve the ordinance.

C. Government Sector Impact:

Miami Dade College would be the recipient of sales surtax proceeds if the county approves an ordinance and Miami-Dade County voters approve the ordinance.

VI. Technical Deficiencies:

To address Department of Revenue (DOR) implementation concerns (see Related Issues section) the department recommended replacing line 83 of the bill with the following:[16]
surtax must be transferred by the Department of Revenue into a.

---

[12] *See Metropolitan Dade County*, *supra* note 1, at 519.
[13] *See id* at 19-20.
[14] *See Golden Nugget Group v. Metropolitan Dade County*, 464 So. 2d 535, 537 (Fla. 1985).
[15] *City of Miami v. McGrath*, 824 So. 2d at 152.
[16] Florida Department of Revenue, 2013 Bill Analysis, *SB 1718: Discretionary Sales Surtaxes* (Mar.8, 2013) *available at* http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=1383 (last visited Mar. 15, 2013).

VII. Related Issues:

According to a DOR analysis of the bill, the department cannot make deposits directly into a Florida Prime Account.[17] Instead, DOR would have to generate a check to the State Board of Administration for these proceeds. A possible remedy for this issue is provided in the Technical Deficiencies section..

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Community Affairs on March 20, 2013:

- Removes student scholarships and financial aid and land acquisition from the stated permissible uses of surtax funds.
- Revises who appoints the oversight board.
- Reduces board terms of service to 4 years.
- Limits the surtax to a length of 5 years.

B. Amendments:

None.

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

[17] *Id*.

By the Committee on Community Affairs; and Senators Flores, Bullard, Margolis, and Diaz de la Portilla

578-02816A-13 20131718c1

A bill to be entitled

An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing a county defined in s. 125.011(1), F.S., to levy a surtax up to a specified amount for the benefit of a Florida College System institution in the county pursuant to an ordinance conditioned to take effect upon approval in a county referendum; requiring the ordinance to include a plan for the use of the proceeds; providing referendum requirements and procedures; requiring that the proceeds from the surtax be deposited and managed in a specified manner; establishing an oversight board with specified duties, responsibilities, and procedures relating to the expenditure of surtax proceeds; providing for the appointment of members of the oversight board; requiring that the board of trustees of a college receiving surtax proceeds prepare an annual plan for submission to the oversight board for approval; providing that state funding may not be reduced because an institution receives surtax funds; providing for the scheduled expiration of the surtax; providing an effective date.

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

Section 1. Subsection (9) is added to section 212.055, Florida Statutes, to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent

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578-02816A-13 20131718c1

that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(9) FLORIDA COLLEGE SURTAX.—A county as defined in s. 125.011(1) may levy a surtax of up to 0.5 percent for the benefit of a Florida College System institution as defined in s. 1000.21, located in the county, pursuant to an ordinance that is conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum.

(a) The ordinance must set forth a plan for using the surtax proceeds for the benefit of the Florida College System institution by the institution's board of trustees. Such plan must provide for the permissible uses of the surtax proceeds, including, but not limited to, the maintenance, improvement, and expansion of academic and workforce training programs; teaching enhancements; capital expenditures and infrastructure projects; fixed capital costs associated with the construction, reconstruction, renovation, maintenance, or improvement of facilities and campuses that have a useful life expectancy of at least 5 years; deferred maintenance; land improvement, design, and engineering costs related thereto; and the expansion and

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59 enhancement of facilities at all institution sites within the
60 county. The proceeds of the surtax must be set aside and
61 invested as permitted by law, with the principal and income to
62 be used for the purposes listed in this subsection as
63 administered by the board of trustees.
64 (b) If the county, at the request of a Florida College
65 System institution in the county, calls for a referendum, the
66 expense of holding the referendum may not be paid with student
67 fees or moneys that the institution receives from the state, but
68 shall be paid only with funds received from private sources or
69 with college auxiliary funds. The county shall provide at least
70 30 days' notice of the election as provided under s. 100.342.
71 (c) The referendum providing for the imposition of the
72 surtax must include a statement that provides a brief and
73 general description of the purposes for which the proceeds of
74 the surtax may be used, conform to the requirements of s.
75 101.161, and be placed on the ballot by the governing body of
76 the county. The following questions shall be placed on the
77 ballot:
78
79 FOR THE. . . .CENTS TAX
80 AGAINST THE. . . .CENTS TAX
81
82 (d) Upon approval of the referendum, proceeds from the
83 surtax must be deposited by the Department of Revenue into a
84 Florida Prime account managed by the Florida State Board of
85 Administration and used only for the operation, maintenance, and
86 administration of the Florida College System institution within
87 that county.

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88 (e) Upon approval of the referendum, an oversight board
89 shall be established to review, accept, or amend expenditures of
90 the proceeds of the surtax and to review the plan prepared by
91 the board of trustees pursuant to paragraph (f). Annually, or as
92 needed, the oversight board shall meet to approve the proposed
93 spending plan.
94 1. The board shall be composed of seven members who are
95 residents of the county and appointed as follows:
96 a. Two members appointed by the board of trustees of the
97 Florida College System institution, who may not be members of
98 the board of trustees.
99 b. Two members appointed by the chair of the county
100 legislative delegation.
101 c. One member appointed by the board of directors of the
102 Greater Miami Chamber of Commerce.
103 d. One member appointed by the board of directors of the
104 United Way of Miami-Dade County, who must be a member of the
105 board of directors.
106 e. One member appointed by the Beacon Council, Miami-Dade
107 County's official economic development partnership.
108 2. Initial appointments to the oversight board shall be
109 made by the respective entities within 60 days after the passage
110 of the referendum. Each member shall be appointed for a 4-year
111 term. A vacancy on the board shall be filled for the unexpired
112 portion of the term in the same manner as the original
113 appointment. A member appointed to fill a vacancy may not serve
114 for more than the remaining portion of the unexpired term.
115 (f) Consistent with the purposes stated in the plan
116 included in the ordinance under paragraph (a), the board of

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

117 trustees of the Florida College System institution shall
118 annually prepare a plan that specifies how the board of trustees
119 intends to allocate and expend the funds for the institution's
120 upcoming fiscal year and submit such plan to the oversight board
121 for approval.
122 (g) The annual apportionment of state funds for the support
123 of a Florida College System institution allocated under general
124 law may not be reduced because the institution has received
125 funds pursuant to a sales surtax levied under this subsection.
126 (h) A surtax imposed under this subsection expires 5 years
127 after the effective date of the surtax.
128 Section 2. This act shall take effect upon becoming a law.

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Communications, Energy, and Public Utitlies, *Chair*
Appropriations Subcommittee on Health and Human Services, *Vice Chair*
Appropriations Subcommittee on Criminal and Civil Justice
Ethics and Elections
Health Policy
Regulated Industries

SELECT COMMITTEE:
Select Committee on Patient Protection and Affordable Care Act

SENATOR ANITERE FLORES
37th District

April 1, 2013

The Honorable John Legg
Chair of the Committee on Education
316 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Legg,

I respectfully request that my Legislative Aide, Patricia Flor, present SB 1718 Discretionary Sales Surtaxes, to the Committee on Education in the event I am unable to present.

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

Sincerely,

Anitere Flores

Anitere Flores

CC: Ms. Theresa Klebacha, Staff Director, Committee on Education
Ms. Michelle Perez, Committee Administrative Assistant, Committee on Education

REPLY TO:
☐ 10691 North Kendall Drive, Suite 309, Miami, Florida 33176 (305) 270-6550
☐ 413 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5037

Senate's Website: *www.flsenate.gov*

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

556172

581-02947A-13

Proposed Committee Substitute by the Committee on Education

A bill to be entitled

An act relating to early learning; establishing the Office of Early Learning within the Office of the Commissioner of Education; establishing responsibilities of the Office of Early Learning; providing an effective date.

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

Section 1. The Office of Early Learning.—The Office of Early Learning is established within the Office of the Commissioner of Education.

(1) The Office of Early Learning shall administer the school readiness program and the Voluntary Prekindergarten Education Program. Administrative staff for the school readiness program and the Voluntary Prekindergarten Education Program shall be kept to the minimum necessary to administer the duties of the Office of Early Learning.

(2) The Office of Early Learning is responsible for the following:

(a) Prudent use of public and private funds, including, but not limited to, the adoption of a uniform chart of accounts for budgeting and financial reporting purposes.

(b) Monitoring and evaluating the performance of each early learning coalition with regard to its finances, management, and operations.

(c) Annually publishing a summary of the school readiness program and the Voluntary Prekindergarten Education Program,

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581-02947A-13

including, but not limited to, the number of children served and administrative costs of early learning coalitions relative to the coalitions' total expenditures. The summary must be based on reports that must be submitted annually by the early learning coalitions to the Office of Early Learning.

Section 2. This act shall take effect July 1, 2013.

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 1722

INTRODUCER: Committee on Education and Senator Legg

SUBJECT: Early Learning

DATE: April 1, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	**Fav/CS**
2.			AED	
3.			AP	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	x	Statement of Substantial Changes
B. AMENDMENTS.....		Technical amendments were recommended
		Amendments were recommended
		Significant amendments were recommended

I. Summary:

CS/SB 1722 changes the governance structure of the Office of Early Learning by establishing the Office of Early Learning within the Office of the Commissioner of Education. The bill also enhances the accountability of early learning programs by requiring the Office of Early Learning to administer the school readiness program and the Voluntary Prekindergarten Education Program (VPK program).

The Office of Early Learning must:

- Adopt a uniform chart of accounts for budgeting and financial reporting purposes for prudent use of public and private funds.
- Monitor and evaluate the performance of each early learning coalition regarding the coalitions' finances, management, and operations.
- Annually publish a summary of the school readiness and VPK programs based on annual reports submitted by the early learning coalitions to the Office of Early Learning.

- Keep the administrative staff for the school readiness and VPK programs to the minimum necessary to administer the duties of the office.

The effective date of the bill is July 1, 2013.

The bill creates an undesignated section of law.

II. Present Situation:

Early Learning consists of the school readiness program and the Voluntary Prekindergarten Education Program.

School Readiness Program

Established in 1999,[1] the school readiness program provides subsidies for early childhood education and child care services to children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.[2]

The school readiness program is a state-federal partnership between Florida's Office of Early Learning (Florida's OEL)[3] and the Office of Child Care of the United States Department of Health and Human Services.[4] Florida's OEL is Florida's lead agency for administering the federal Child Care and Development Fund (CCDF) block grant from which funds are used to implement the school readiness program.[5]

Federal regulations governing the CCDF block grant,[6] the primary funding source for the school readiness program, authorize states to use grant funds for child care services, if: [7]

---

[1] Section 1, ch. 99-357, L.O.F.

[2] Section 411.01(6), F.S.

[3] In 2011, the Legislature transferred the Office of Early Learning, currently called Florida's Office of Early Learning, from the Agency for Workforce Innovation to the Department of Education (DOE) as a separate budget entity, not subject to control, supervision, or direction by the DOE or the State Board of Education in any manner including, but not limited to, personnel, purchasing, transactions involving personal property, and budgetary matters. The office director is appointed by the Governor and confirmed by the Senate, must serve at the pleasure of the Governor, and must be the agency head of the office for all purposes. The office is subject to review and oversight by the Chief lnspector General or his or her designee. Section 12, ch. 2011-142, *codified at* s. 20.15(3)(h), F.S. Florida's OEL is distinct from DOE's Office of Early Learning. Department of Education, *Early Learning/Prekindergarten*, http://www.fldoe.org/earlyLearning/ (last visited March 28, 2013).

[4] U.S. Department of Health and Human Services, *Office of Child Care: About*, http://www.acf.hhs.gov/programs/occ/about (last visited March 28, 2013).

[5] The law directs the Governor to designate Florida's OEL as the lead agency for administering the Child Care and Development Fund (CCDF). Section 411.01(4)(c), F.S.

[6] 45 C.F.R. parts 98 and 99.

[7] 45 C.F.R. s. 98.20(a). Florida's CCDF state plan for FY 2012-2013 defines physical or mental incapacity as "a developmental delay or established physical or mental condition. Mild or moderate emotional problems as certified by a licensed psychiatrist, psychologist, or licensed mental health professional." Florida's Office of Early Learning, Child Care and Development Fund State Plan, *CCDF Plan FFY 2012/13 Part 2-CCDF Subsidy Program Administration, available at* http://www.floridaearlylearning.com/Documents/SysDev-CCDF/2011-2013/CCDF2012_2013Part2-CCDFSubsidyProgramAdministration.pdf*; see also* rule 6M-4.200(1), F.A.C.

- The child is under 13 years of age, or at the state's option, under age 19 if the child is physically or mentally incapable of caring for himself or herself or under court supervision;

- The child's family income does not exceed 85 percent of the state's median income for a family of the same size; and

- The child:

    - Resides with a parent or parents who work or attend job training or educational programs; or

    - Receives, or needs to receive, protective services.

Within these broad federal eligibility categories, Florida law specifies that the school readiness program is established for children from birth to school entry.[8]

Florida's OEL administers the program at the state level, including statewide coordination of the early learning coalitions (ELC).[9]

Voluntary Prekindergarten Education Program

In 2004, the Legislature established the Voluntary Prekindergarten Education Program (VPK program), a voluntary, free prekindergarten program offered to eligible four-year old children in the year before admission to kindergarten.[10] A child must be a Florida resident and attain four years of age on or before September 1 of the academic year to be eligible for the VPK program.[11] Parents may choose either a school-year or summer program offered by either a public school or private prekindergarten provider.[12] The child remains eligible for the VPK program until he or she is eligible for kindergarten in a public school or is admitted to kindergarten, whichever

[8] Section 411.01(6), F.S.
[9] Section 411.01(4)(a), F.S.
[10] Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; *see also* Art. IX, s. 1(b)-(c), Fla. Const. The VPK program originated from a ballot initiative proposing an amendment to the Florida Constitution in the November 2002 general election. The amendment required the Legislature to establish a free prekindergarten education program for every four-year old child residing in Florida by the 2005 academic year. Voters approved the amendment by a total of 59 percent for to 41 percent against. Art. IX, s. 1(b)-(c), Fla. Const.; *see also* Florida Department of State, Division of Elections, *Voluntary Universal Prekindergarten Education*, http://election.dos.state.fl.us/reports/pdf/02annrpt.pdf (last visited March 28, 20 13).
[11] Section 1002.53(2), F.S.
[12] Section 1002.53(3), F.S. In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the VPK program. Section 3, ch. 2010-227, *codified at* s. 1002.53(3)(d), F.S. Beginning with the 2012-13 academic year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK program and has a current Individual Education Plan (IEP) developed by the district school board. Specialized instructional services include applied behavior analysis, speech-language pathology, occupational therapy, and physical therapy. The Florida Department of Education is responsible for approving public and private program providers. Section 1002.66, F .S. Once this program is implemented, children who participate in the program will be eligible to receive a McKay Scholarship to enroll in and attend a private school. Section 1002.39(2)(a)l., F.S.

occurs first.[13] A child may not attend the summer VPK program earlier than the summer immediately before the academic year in which the child becomes eligible for kindergarten.[14]

Department of Education (DOE, through its Office of Early Learning, distinct from Florida's OEL), Florida's OEL, and Department of Children and Families each play a role in the state-level oversight of the VPK program. DOE is responsible for the programmatic requirements for the VPK program.[15] As lead agency for Florida's school readiness system, Florida's OEL governs the day-to-day operations of the VPK program.[16] DCF administers the state's child care provider licensing program and posts VPK program provider profiles on its Internet website.[17]

Early Learning Coalitions

Each ELC administers the school readiness program,[18] the VPK program,[19] and the state's child care resource and referral network in its county or multi-county region.[20] There are currently 31 ELCs.[21] Each ELC is governed by a board of directors comprised of various stakeholders and community representatives. Three board members, including the chair, are appointed by the Governor.[22]

Audit Findings

In 2011, the Legislature required the Auditor General to conduct a financial and performance audit of Florida's OEL's programs and related delivery systems.[23] Based on the audit conducted in 2011, the Auditor General reported that Florida's OEL did not always provide the oversight necessary for the effective and efficient administration of the school readiness and VPK programs. The audit also pointed out deficiencies in the ELCs' financial management, operations, school readiness and VPK program administration, and information technology practices, as well as instances of noncompliance with law.[24]

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[13] Section 1002.53(2), F.S. Children who attain five years of age on or before September 1 of the academic year are eligible for admission to public kindergartens. Section 1003.21(1)(a)2., F.S.

[14] Section 1002.61(2)(c), F.S.

[15] Sections 1002.57(1), 1002.59, 1002.67(1)-(2) and (4), 1002.69(1) and (5), 1002.73, and 1007.23(6), F.S.

[16] Section 1002.75(2), F.S.

[17] Sections 402.301-402.319, F.S.; *see also* Florida Department of Children and Family Seryices, *Provider Search*, http://dcfsanswrite.state.fl.us/Childcare/provider (last visited March 28, 2013).

[18] Section 411.01(5), F.S.

[19] Section 1002.55(1) and 1002.61(1)(b), F.S.

[20] Section 411.0101, F.S.

[21] Office of Early Learning, *Early Learning Coalition Directory*, http://www.floridaearlylearning.com/OEL_Coalitions_CoalitionsDirectory.html (last visited March 22, 2013). Florida law permits the establishment of 31 or fewer ELCs. Section 411.01(5)(a)2.a., F.S.

[22] Section 411.01(5)(a)4.-6., F.S.

[23] Section 2, ch. 2011-142, L.O.F.

[24] Florida Auditor General, *Office of Early Learning and Select Early Learning Coalitions: Follow-up on Prior Audit Findings*, Report No. 2013-087 (Jan. 2013), at 1, *available at* http://www.myflorida.com/audgen/pages/pdf_files/2013-087.pdf; *see also* Florida Auditor General, *Early Learning Programs and Related Delivery Systems*, Report No. 2012-061 (Dec. 2011), at 1, *available at* http://www.myflorida.com/audgen/pages/pdf_files/2012-061.pdf.

In 2012, as a follow-up to the 2011 audit, the Auditor General conducted an operational audit of Florida's OEL and select ELCs[25]. The findings disclosed that, while steps had been taken by the Florida's OEL and ELCs to address the findings reported in the 2011 audit, "opportunities continue to exist to enhance the efficiency and effectiveness of early learning program administration and accountability."[26]

III. Effect of Proposed Changes:

CS/SB 1722 changes the governance structure of the Office of Early Learning by establishing the Office of Early Learning within the Office of the Commissioner of Education. The bill also enhances the accountability of early learning programs by requiring the Office of Early Learning to administer the school readiness and VPK programs.

The Office of Early Learning must:

- Adopt a uniform chart of accounts for budgeting and financial reporting purposes for prudent use of public and private funds.
- Monitor and evaluate the performance of each early learning coalition regarding the coalitions' finances, management, and operations.
- Annually publish a summary of the school readiness and VPK programs based on annual reports submitted by the early learning coalitions to the Office of Early Learning.
- Keep the administrative staff for the school readiness and VPK programs to the minimum necessary to administer the duties of the office.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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[25] The Auditor General's audit included the following 10 of the state's 31 early learning coalitions (ELC): Big Bend Region, Escambia County, Hillsborough County, Marion County, Miami-Dade/Monroe, Orange County, Palm Beach County, Pinellas County, Polk County, and Southwest Florida. Florida Auditor General, *Office of Early Learning and Select Early Learning Coalitions: Follow-up on Prior Audit Findings*, Report No. 2013-087 (Jan. 2013), *available at* http://www.myflorida.com/audgen/pages/pdf_files/2013-087.pdf.

[26] Florida Auditor General, *Office of Early Learning and Select Early Learning Coalitions: Follow-up on Prior Audit Findings*, Report No. 2013-087 (Jan. 2013), at 1, *available at* http://www.myflorida.com/audgen/pages/pdf_files/2013-087.pdf.

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. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Committee on Education on April 1, 2013:
The committee substitute differs from SB 1722 in that the committee substitute:

- Changes the governance structure of the Office of Early Learning by establishing the Office of Early Learning within the Office of the Commissioner of Education.
- Enhances the accountability of early learning programs by requiring the Office of Early Learning to administer the school readiness and VPK programs and keeping the administrative staff for such programs to the minimum necessary to administer the duties of the office.
- Provides roles and responsibilities for the Office of Early Learning and early learning coalitions.

B. Amendments:

None.

By Senator Legg

17-01471-13 20131722__

A bill to be entitled

An act relating to school readiness programs; amending s. 411.01, F.S.; revising legislative intent related to operation of school readiness programs; defining terms for purposes of the School Readiness Act; revising the duties of the Office of Early Learning for administration of school readiness programs; providing for the preassessment and postassessment of children enrolled in school readiness programs; requiring early learning coalitions to annually contract with school readiness providers using a standardized statewide contract; authorizing the Office of Early Learning to adopt rules; revising the minimum number of children that each early learning coalition must serve; revising provisions related to the merger of coalitions; revising requirements for compliance by school readiness providers with state licensing requirements; revising provisions related to school readiness plans adopted by early learning coalitions; deleting provisions for the establishment of payment rates and sliding fee scales by early learning coalitions; revising procurement requirements and requirements for the expenditure of funds by early learning coalitions; revising the eligibility criteria for the enrollment of children in the school readiness program and the priorities by which children are enrolled; providing procedures and notice requirements for the disenrollment of children; providing reporting requirements for children who are absent from the

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17-01471-13 20131722__

program; providing for the allocation of school readiness funds and deleting provisions for the establishment of an allocation formula by the Office of Early Learning; limiting expenditures for administrative costs, quality activities, and nondirect services; providing for the payment of school readiness providers according to calculations of payment rates and sliding fee scales as provided in the General Appropriations Act; authorizing the Office of Early Learning to modify payment rates in certain geographic areas under certain circumstances; deleting a provision related to the applicability of provisions that conflict with federal requirements; defining the term “fraud” for purposes of the school readiness program; providing for investigations of fraud or overpayment in the school readiness program; providing for the repayment of identified overpayments; limiting the participation of school readiness providers and parents in the program until repayment is made in full; providing penalties for acts of fraud; conforming provisions; conforming cross-references; creating s. 411.013, F.S.; creating the School Readiness Allocation Conference; providing for conference principals; requiring the Office of Early Learning to submit recommendations to the conference for an allocation formula for school readiness program funds; providing for review of the formula and agreement of the conference principals on conventions and calculation methods for the formula; requiring the

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Office of Early Learning to submit recommendations to the conference for establishing provider payment rates and parent copayments for a specified period; providing for the phase-in of the allocation formula during a specified period; amending ss. 216.136 and 411.0101, F.S.; conforming cross-references; amending s. 411.01013, F.S.; revising provisions for calculation of the prevailing market rate schedule; requiring school readiness providers to annually submit their market rates by a specified date; amending ss. 411.0106 and 445.023, F.S.; conforming cross-references; prohibiting the disenrollment of children enrolled in the school readiness program before the effective date of this act under certain circumstances; providing for applicability; providing effective dates.

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

Section 1. Section 411.01, Florida Statutes, is amended to read:

411.01 School readiness programs; early learning coalitions.—

(1) SHORT TITLE.—This section may be cited as the "School Readiness Act."

(2) LEGISLATIVE INTENT.—

(a) The Legislature recognizes that school readiness programs increase children's chances of achieving future educational success and becoming productive members of society.

It is the intent of the Legislature that the programs be developmentally appropriate, research-based, involve the parent as a child's first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each school readiness program shall provide the elements necessary to prepare at-risk children for school, including health screening and referral and an appropriate educational program.

(b) It is the intent of the Legislature that school readiness programs be operated on a full-time and part-time ~~full day~~, year-round basis to the maximum extent possible to enable parents to work and become financially self-sufficient.

(c) It is the intent of the Legislature that school readiness programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and that school readiness programs be coordinated to achieve full effectiveness.

(d) It is the intent of the Legislature that the administrative staff for school readiness programs be kept to the minimum necessary to administer the duties of the Office of Early Learning and early learning coalitions. The Office of Early Learning shall adopt system support services at the state level to build a comprehensive early learning system. Each early learning coalition shall implement and maintain direct enhancement services at the local level, as approved in its school readiness plan by the Office of Early Learning, and ensure access to such services in all 67 counties.

(e) It is the intent of the Legislature that the school

117 readiness program coordinate and operate in conjunction with the
118 district school systems. However, it is also the intent of the
119 Legislature that the school readiness program not be construed
120 as part of the system of free public schools but rather as a
121 separate program for children under the age of kindergarten
122 eligibility, funded separately from the system of free public
123 schools, utilizing a mandatory sliding fee scale, and providing
124 an integrated and seamless system of school readiness services
125 for the state's birth-to-kindergarten population.
126 (f) It is the intent of the Legislature that school
127 readiness services be an integrated and seamless program of
128 services with a developmentally appropriate education component
129 for the state's eligible birth-to-kindergarten population
130 described in subsection (7) ~~(6)~~ and not be construed as part of
131 the seamless K-20 education system.
132 (3) DEFINITIONS.—As used in this section, the term:
133 (a) "Adjusted payment rate percentage" means a specified
134 percentage applied to the prevailing market rate for each type
135 of school readiness provider and level of care.
136 (b) "At-risk child" means:
137 1. A child from a family under investigation by the
138 Department of Children and Families or a designated sheriff's
139 office for child abuse, neglect, abandonment, or exploitation.
140 2. A child who is in a diversion program provided by the
141 Department of Children and Families or its contracted provider
142 and who is from a family that is actively participating and
143 complying in department-prescribed activities, including
144 education, health services, or work.
145 3. A child from a family that is under supervision by the

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146 Department of Children and Families or a contracted service
147 provider for abuse, neglect, abandonment, or exploitation.
148 4. A child placed in court-ordered, long-term custody or
149 under the guardianship of a relative or nonrelative after
150 termination of supervision by the Department of Children and
151 Families or its contracted provider.
152 (c) "Authorized hours of care" means the hours of care that
153 are necessary to provide protection, maintain employment, or
154 complete work activities or eligible educational activities,
155 including reasonable travel time.
156 (d) "Earned income" means gross remuneration derived from
157 work, professional service, or self-employment. The term
158 includes commissions, bonuses, back pay awards, and the cash
159 value of all remuneration paid in a medium other than cash.
160 (e) "Economically disadvantaged" means having a family
161 income that does not exceed 150 percent of the federal poverty
162 level. The term includes children in a working migratory family.
163 (f) "Family income" means the combined gross income,
164 whether earned or unearned, that is derived from any source by
165 family or household members who are 18 years of age or older and
166 are currently residing together in a dwelling unit. The term
167 does not include income earned by a currently enrolled high
168 school student who, since attaining the age of 18 years, has not
169 terminated school enrollment or received a high school diploma,
170 high school equivalency diploma, special diploma, or certificate
171 of high school completion. The term also does not include
172 Supplemental Nutrition Assistance Program benefits or federal
173 housing assistance payments issued directly to a landlord or the
174 associated utilities expenses.

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175 (g) "Family or household members" means spouses, former
176 spouses, persons related by blood or marriage, persons who are
177 parents of a child in common regardless of whether they have
178 been married, and other persons who are currently residing
179 together in a dwelling unit.
180 (h) "Full-time care" means at least 6 hours, but not more
181 than 11 hours, of child care or early childhood education
182 services within a 24-hour period.
183 (i) "Gold Seal premium percentage" means a specified
184 percentage that, for a school readiness provider that maintains
185 the Gold Seal Quality Care designation under s. 402.281, is
186 applied to the provider's adjusted payment rate.
187 (j) "In loco parentis" means acting as a child's temporary
188 guardian.
189 (k) "Market rate" means the price that a child care or
190 early childhood education provider charges for full-time or
191 part-time daily, weekly, or monthly child care or early
192 childhood education services.
193 (l) "Office" means the Office of Early Learning of the
194 Department of Education.
195 (m) "Parent" means a parent by blood, marriage, or
196 adoption; a legal guardian; or another person standing in loco
197 parentis.
198 (n) "Part-time care" means less than 6 hours of child care
199 or early childhood education services within a 24-hour period.
200 (o) "Prevailing market rate" means the biennially
201 determined statewide median of the market rate for child care
202 and early childhood education services.
203 (p) "Unearned income" means income other than earned

204 income. The term includes, but is not limited to:
205 1. Documented alimony and child support received.
206 2. Social security benefits.
207 3. Supplemental Security Income benefits.
208 4. Workers' compensation benefits.
209 5. Unemployment compensation benefits.
210 6. Veterans' benefits.
211 7. Retirement benefits.
212 8. Temporary cash assistance under chapter 414.
213 9. Military housing assistance under the federal Family
214 Subsistence Supplemental Allowance program.
215 (q) "Working family" means:
216 1. A single-parent family in which the parent with whom the
217 child resides is employed or engaged in eligible education
218 activities for at least 20 hours per week;
219 2. A two-parent family in which both parents with whom the
220 child resides are each employed or engaged in eligible education
221 activities for at least 20 hours per week; or
222 3. A family in which the parents, as prescribed by rule of
223 the Office of Early Learning, are exempt from work requirements
224 due to age or a disability as determined and documented by a
225 physician licensed under chapter 458 or chapter 459.
226 (4) ~~(3)~~ PARENTAL PARTICIPATION IN SCHOOL READINESS
227 PROGRAMS.—This section does not:
228 (a) Relieve parents and guardians of their own obligations
229 to prepare their children for school; or
230 (b) Create any obligation to provide publicly funded school
231 readiness programs or services beyond those authorized by the
232 Legislature.

233 (5) ~~(4)~~ OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF
234 EDUCATION.—
235 (a) The Office of Early Learning shall administer school
236 readiness programs at the state level and shall coordinate with
237 the early learning coalitions in providing school readiness
238 services ~~on a full day, full year, full choice basis to the~~
239 ~~extent possible in order~~ to enable parents to work and be
240 financially self-sufficient.
241 (b) The Office of Early Learning shall:
242 1. Prioritize services for eligible children from birth
243 through kindergarten.
244 2. ~~1.~~ Coordinate the birth-to-kindergarten services for
245 children who are eligible under subsection (7) ~~(6)~~ and the
246 programmatic, administrative, and fiscal standards under this
247 chapter ~~section~~ for all ~~public~~ providers of school readiness
248 programs.
249 3. ~~2.~~ Focus on improving the educational quality of all
250 program providers participating in publicly funded school
251 readiness programs.
252 4. ~~3.~~ Provide comprehensive services to ~~the state's birth-~~
253 ~~to-5 population, which shall~~ ensure the preservation of parental
254 choice by permitting parents to choose from a variety of child
255 care categories, including: center-based child care; group home
256 child care; family child care; and in-home child care. Care and
257 curriculum by a sectarian provider may not be limited or
258 excluded in any of these categories.
259 (c) The Governor shall designate the Office of Early
260 Learning as the lead agency for administration of the federal
261 Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and

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262 the office shall comply with the lead agency responsibilities
263 under federal law.
264 (d) The Office of Early Learning shall:
265 1. Be responsible for the prudent use of all public and
266 private funds in accordance with all legal and contractual
267 requirements.
268 2. Adopt a uniform chart of accounts for budgeting and
269 financial reporting purposes to provide standardized definitions
270 for expenditures and reporting which are consistent with
271 subsection (10) for each of the following categories of
272 expenditures:
273 a. Direct services to children.
274 b. Administrative costs.
275 c. Quality activities.
276 d. Nondirect services.
277 3. ~~2.~~ Provide final approval and every 2 years review early
278 learning coalitions and school readiness plans.
279 4. ~~3.~~ Establish a unified approach to the state's efforts
280 toward enhancement of school readiness. In support of this
281 effort, the Office of Early Learning shall adopt specific system
282 support services that address the state's school readiness
283 programs, and each ~~. An~~ early learning coalition shall implement
284 ~~amend its school readiness plan to conform to~~ the specific
285 system support services in its school readiness plan as provided
286 in subparagraph (6)(c)2. ~~adopted by the Office of Early~~
287 ~~Learning. System support services shall include, but are not~~
288 ~~limited to:~~
289 ~~a. Child care resource and referral services;~~
290 ~~b. Warm-Line services;~~

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291 ~~c. Eligibility determinations;~~
292 ~~d. Child performance standards;~~
293 ~~e. Child screening and assessment;~~
294 ~~f. Developmentally appropriate curricula;~~
295 ~~g. Health and safety requirements;~~
296 ~~h. Statewide data system requirements; and~~
297 ~~i. Rating and improvement systems.~~
298 5.~~4.~~ Safeguard the effective use of federal, state, local,
299 and private resources to achieve the highest possible level of
300 school readiness for the children in this state.
301 ~~5. Adopt a rule establishing criteria for the expenditure~~
302 ~~of funds designated for the purpose of funding activities to~~
303 ~~improve the quality of child care within the state in accordance~~
304 ~~with s. 658G of the federal Child Care and Development Block~~
305 ~~Grant Act.~~
306 6. Provide technical assistance to early learning
307 coalitions in a manner determined by the Office of Early
308 Learning based upon information obtained by the office from
309 various sources, including, but not limited to, public input,
310 government reports, private interest group reports, office
311 monitoring visits, and coalition requests for service.
312 7. In cooperation with the early learning coalitions,
313 coordinate with the Child Care Services Program Office of the
314 Department of Children and Families ~~Family Services~~ to minimize
315 duplicating interagency activities, health and safety
316 monitoring, and acquiring and composing data pertaining to child
317 care training and credentialing.
318 8. Develop and adopt performance standards and outcome
319 measures for school readiness programs. The performance

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320 standards must address the age-appropriate progress of children
321 in the development of school readiness skills. The performance
322 standards for children from birth to 5 years of age in school
323 readiness programs must be integrated with the performance
324 standards adopted by the Department of Education for children in
325 the Voluntary Prekindergarten Education Program under s.
326 1002.67.
327 9. Adopt a list of approved curricula that meet the
328 performance standards for school readiness programs and
329 establish a process for the review and approval of a provider's
330 curriculum that meets the performance standards.
331 10. By July 1, 2014, identify and adopt a preassessment and
332 postassessment aligned with the performance standards adopted
333 pursuant to subparagraph 8. Upon adoption, the preassessments
334 and postassessments shall immediately be implemented and used by
335 school readiness providers. The Office of Early Learning shall
336 collect the results of the preassessments and postassessments
337 statewide to evaluate the effectiveness of the school readiness
338 programs. At a minimum, a preassessment shall be administered to
339 each child who participates in a school readiness program within
340 the first 60 days after enrollment. By May 30 of each year, a
341 postassessment shall be administered to each child who
342 participates in a provider's program for at least the previous 6
343 months.
344 11.~~9.~~ Adopt a statewide provider ~~standard~~ contract, and
345 prescribe a standardized format for such contract, which ~~that~~
346 must be used by the coalitions to annually contract ~~when~~
347 ~~contracting~~ with each school readiness provider ~~providers~~. A
348 coalition may not omit, supplement, or amend any provision of

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349 the statewide provider contract. In addition, a coalition may
350 not insert or append attachments, addenda, or exhibits to the
351 statewide provider contract. The office shall publish a copy of
352 the statewide provider contract on its Internet website and
353 provide a copy of the contract to each coalition.
354 12. Adopt a standardized methodology for monitoring
355 compliance by school readiness providers with the terms of the
356 statewide provider contract adopted under subparagraph 11.
357 (e) The Office of Early Learning may adopt rules under ss.
358 120.536(1) and 120.54 to administer the provisions of law
359 conferring duties upon the office, including, but not limited
360 to, rules governing the administration of system support
361 services of school readiness programs, the adoption of a uniform
362 chart of accounts, the adoption of a statewide provider contract
363 and methodology for monitoring compliance with the contract, the
364 adoption of a list of approved curricula, the collection of
365 data, the approval of early learning coalitions and school
366 readiness plans, the provision of a method whereby an early
367 learning coalition may serve two or more counties, the award of
368 incentives to early learning coalitions, child performance
369 standards, child outcome measures, monitoring of the quality
370 activities as described in subparagraph (10)(d)2., the issuance
371 of waivers, and the implementation of the state's Child Care and
372 Development Fund Plan as approved by the federal Administration
373 for Children and Families.
374 (f) The Office of Early Learning shall have all powers
375 necessary to administer this section, including, but not limited
376 to, the power to receive and accept grants, loans, or advances
377 of funds from any public or private agency and to receive and

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378 accept from any source contributions of money, property, labor,
379 or any other thing of value, to be held, used, and applied for
380 purposes of this section.
381 (g) Except as provided by law, the Office of Early Learning
382 may not impose requirements on a child care or early childhood
383 education provider that does not deliver services under the
384 school readiness programs or receive state or federal funds
385 under this section.
386 (h) The Office of Early Learning shall coordinate with
387 other state and federal agencies to perform data matches on
388 children participating in school readiness programs and their
389 families in order to verify the children's eligibility pursuant
390 to subsection (7) ~~have a budget~~ for school readiness programs~~,~~
391 ~~which shall be financed through an annual appropriation made for~~
392 ~~purposes of this section in the General Appropriations Act~~.
393 (i) The Office of Early Learning shall coordinate the
394 efforts toward school readiness in this state and provide
395 independent policy analyses, data analyses, and recommendations
396 to the Governor, the State Board of Education, and the
397 Legislature.
398 (j) The Office of Early Learning shall require that school
399 readiness programs, at a minimum, enhance the age-appropriate
400 progress of each child in attaining the performance standards
401 adopted under subparagraph (d)8. and in the development of the
402 following school readiness skills:
403 1. Compliance with rules, limitations, and routines.
404 2. Ability to perform tasks.
405 3. Interactions with adults.
406 4. Interactions with peers.

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407 5. Ability to cope with challenges.
408 6. Self-help skills.
409 7. Ability to express the child's needs.
410 8. Verbal communication skills.
411 9. Problem-solving skills.
412 10. Following of verbal directions.
413 11. Demonstration of curiosity, persistence, and
414 exploratory behavior.
415 12. Interest in books and other printed materials.
416 13. Paying attention to stories.
417 14. Participation in art and music activities.
418 15. Ability to identify colors, geometric shapes, letters
419 of the alphabet, numbers, and spatial and temporal
420 relationships.
421
422 Within 30 days after enrollment in the school readiness program,
423 the early learning coalition must ensure that the program
424 provider obtains information regarding the child's
425 immunizations, physical development, and other health
426 requirements as necessary, including appropriate vision and
427 hearing screening and examinations. ~~For a program provider~~
428 ~~licensed by the Department of Children and Family Services, the~~
429 ~~provider's compliance with s. 402.305(9), as verified pursuant~~
430 ~~to s. 402.311, shall satisfy this requirement.~~
431 (k) The Office of Early Learning shall conduct studies and
432 planning activities related to the overall improvement and
433 effectiveness of the outcome measures adopted by the office for
434 school readiness programs and the specific system support
435 services to address the state's school readiness programs

436 adopted by the Office of Early Learning in accordance with
437 subparagraph (d)4. ~~(d)3.~~
438 (l) The Office of Early Learning shall monitor and evaluate
439 the performance of each early learning coalition in
440 administering the school readiness program, implementing the
441 coalition's school readiness plan, and administering the
442 Voluntary Prekindergarten Education Program. These monitoring
443 and performance evaluations must include, at a minimum, onsite
444 monitoring of each coalition's finances, management, operations,
445 and programs.
446 (m) The Office of Early Learning shall submit an annual
447 report of its activities conducted under this section to the
448 Governor, the President of the Senate, the Speaker of the House
449 of Representatives, and the minority leaders of both houses of
450 the Legislature. In addition, the Office of Early Learning's
451 reports and recommendations shall be made available to the
452 Florida Early Learning Advisory Council and other appropriate
453 state agencies and entities. The annual report must provide an
454 analysis of school readiness activities across the state,
455 including the number of children who were served in the
456 programs.
457 (n) The Office of Early Learning shall work with the early
458 learning coalitions to ensure availability of training and
459 support for parental involvement in children's early education
460 and to provide family literacy activities and services.
461 (6) ~~(5)~~ CREATION OF EARLY LEARNING COALITIONS.—
462 (a) *Early learning coalitions.*—
463 1. Each early learning coalition shall maintain direct
464 enhancement services at the local level and ensure access to

465 such services in all 67 counties.
466 2. The Office of Early Learning shall establish the minimum
467 number of children to be served by each early learning coalition
468 through the coalition's school readiness program. The Office of
469 Early Learning may only approve school readiness plans in
470 accordance with this minimum number. The minimum number must be
471 uniform for every early learning coalition and must result in
472 the establishment of:
473 a. Thirty-one ~~Permit 31~~ or fewer coalitions ~~to be~~
474 ~~established~~; and
475 b. Coalitions that are ~~Require~~ each of adequate size and
476 operational scale to comply with the expenditure limits in
477 paragraph (10)(d) ~~coalition to serve at least 2,000 children~~
478 ~~based upon the average number of all children served per month~~
479 ~~through the coalition's school readiness program during the~~
480 ~~previous 12 months~~.
481 3. If an early learning coalition is not able to comply
482 with the expenditure limits in paragraph (10)(d) ~~would serve~~
483 ~~fewer children than the minimum number established under~~
484 ~~subparagraph 2.~~, the coalition must merge with another
485 coalition, or two or more coalitions may agree to change the
486 counties that comprise each coalition, such that each resulting
487 ~~county to form a multicounty~~ coalition is of adequate size and
488 operational scale to comply with the expenditure limits. The
489 Office of Early Learning shall adopt procedures for merging
490 early learning coalitions, including procedures for the
491 consolidation of merging coalitions, and for the early
492 termination of the terms of coalition members which are
493 necessary to accomplish the mergers. However, the office may ~~of~~

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494 ~~Early Learning shall~~ grant a waiver from this subparagraph for
495 ~~to~~ an early learning coalition that is unable to comply with the
496 expenditure limits in paragraph (10)(d) during the 2013-2014
497 fiscal year, the 2014-2015 fiscal year, or both fiscal years, if
498 the coalition submits to the office adequate documentation
499 describing and justifying the reasons that the coalition was
500 unable to comply with the expenditure limits ~~to serve fewer~~
501 ~~children than the minimum number established under subparagraph~~
502 ~~2., if:~~
503 ~~a. The Office of Early Learning has determined during the~~
504 ~~most recent review of the coalition's school readiness plan, or~~
505 ~~through monitoring and performance evaluations conducted under~~
506 ~~paragraph (4)(l), that the coalition has substantially~~
507 ~~implemented its plan;~~
508 ~~b. The coalition demonstrates to the Office of Early~~
509 ~~Learning the coalition's ability to effectively and efficiently~~
510 ~~implement the Voluntary Prekindergarten Education Program; and~~
511 ~~c. The coalition demonstrates to the Office of Early~~
512 ~~Learning that the coalition can perform its duties in accordance~~
513 ~~with law~~.
514
515 ~~If an early learning coalition fails or refuses to merge as~~
516 ~~required by this subparagraph, the Office of Early Learning may~~
517 ~~dissolve the coalition and temporarily contract with a qualified~~
518 ~~entity to continue school readiness and prekindergarten services~~
519 ~~in the coalition's county or multicounty region until the office~~
520 ~~reestablishes the coalition and a new school readiness plan is~~
521 ~~approved by the office.~~
522 4. Each early learning coalition shall be composed of at

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523 least 15 members but not more than 30 members. The Office of
524 Early Learning shall adopt standards establishing within this
525 range the minimum and maximum number of members that may be
526 appointed to an early learning coalition and procedures for
527 identifying which members have voting privileges under
528 subparagraph 6. These standards must include variations for a
529 coalition serving a multicounty region. Each early learning
530 coalition must comply with these standards.
531 5. The Governor shall appoint the chair and two other
532 members of each early learning coalition, who must each meet the
533 same qualifications as private sector business members appointed
534 by the coalition under subparagraph 7.
535 6. Each early learning coalition must include the following
536 member positions; however, in a multicounty coalition, each ex
537 officio member position may be filled by multiple nonvoting
538 members but no more than one voting member shall be seated per
539 member position. If an early learning coalition has more than
540 one member representing the same entity, only one of such
541 members may serve as a voting member:
542 a. A Department of Children and Families ~~Family Services~~
543 circuit administrator or his or her designee who is authorized
544 to make decisions on behalf of the department.
545 b. A district superintendent of schools or his or her
546 designee who is authorized to make decisions on behalf of the
547 district.
548 c. A regional workforce board executive director or his or
549 her designee.
550 d. A county health department director or his or her
551 designee.

552 e. A children's services council or juvenile welfare board
553 chair or executive director, if applicable.
554 f. An agency head of a local licensing agency as defined in
555 s. 402.302, where applicable.
556 g. A president of a Florida ~~community~~ College System
557 institution or his or her designee.
558 h. One member appointed by a board of county commissioners
559 or the governing board of a municipality.
560 i. A central agency administrator, where applicable.
561 j. A Head Start director.
562 k. A representative of private for-profit child care
563 providers, including private for-profit family day care homes.
564 l. A representative of faith-based child care providers.
565 m. A representative of programs for children with
566 disabilities under the federal Individuals with Disabilities
567 Education Act.
568 7. Including the members appointed by the Governor under
569 subparagraph 5., more than one-third of the members of each
570 early learning coalition must be private sector business members
571 who do not have, and none of whose relatives as defined in s.
572 112.3143 has, a substantial financial interest in the design or
573 delivery of the Voluntary Prekindergarten Education Program
574 created under part V of chapter 1002 or the coalition's school
575 readiness program. To meet this requirement an early learning
576 coalition must appoint additional members. The Office of Early
577 Learning shall establish criteria for appointing private sector
578 business members. These criteria must include standards for
579 determining whether a member or relative has a substantial
580 financial interest in the design or delivery of the Voluntary

581 Prekindergarten Education Program or the coalition's school
582 readiness program.
583 8. A majority of the voting membership of an early learning
584 coalition constitutes a quorum required to conduct the business
585 of the coalition. An early learning coalition board may use any
586 method of telecommunications to conduct meetings, including
587 establishing a quorum through telecommunications, provided that
588 the public is given proper notice of a telecommunications
589 meeting and reasonable access to observe and, when appropriate,
590 participate.
591 9. A voting member of an early learning coalition may not
592 appoint a designee to act in his or her place, except as
593 otherwise provided in this paragraph. A voting member may send a
594 representative to coalition meetings, but that representative
595 does not have voting privileges. When a district administrator
596 for the Department of Children and Families ~~Family Services~~
597 appoints a designee to an early learning coalition, the designee
598 is the voting member of the coalition, and any individual
599 attending in the designee's place, including the district
600 administrator, does not have voting privileges.
601 10. Each member of an early learning coalition is subject
602 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
603 112.3143(3)(a), each voting member is a local public officer who
604 must abstain from voting when a voting conflict exists.
605 11. For purposes of tort liability, each member or employee
606 of an early learning coalition shall be governed by s. 768.28.
607 12. An early learning coalition serving a multicounty
608 region must include representation from each county.
609 13. Each early learning coalition shall establish terms for

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610 all appointed members of the coalition. The terms must be
611 staggered and must be a uniform length that does not exceed 4
612 years per term. Coalition chairs shall be appointed for 4 years
613 in conjunction with their membership on the Early Learning
614 Advisory Council under s. 20.052. Appointed members may serve a
615 maximum of two consecutive terms. When a vacancy occurs in an
616 appointed position, the coalition must advertise the vacancy.
617 (b) *Limitation.*—Except as provided by law, the early
618 learning coalitions may not impose requirements on a child care
619 or early childhood education provider that does not deliver
620 services under the school readiness programs or receive state,
621 federal, required maintenance of effort, or matching funds under
622 this section.
623 (c) *Program expectations.*—
624 1. The school readiness program must meet the following
625 expectations:
626 a. The program must, at a minimum, enhance the age-
627 appropriate progress of each child in attaining the performance
628 standards and outcome measures adopted by the Office of Early
629 Learning.
630 b. The program must provide extended-day and extended-year
631 services to the maximum extent possible without compromising the
632 quality of the program to meet the needs of parents who work.
633 c. The program must provide a coordinated professional
634 development system that supports the achievement and maintenance
635 of core competencies by school readiness instructors in helping
636 children attain the performance standards and outcome measures
637 adopted by the Office of Early Learning.
638 d. There must be expanded access to community services and

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639 resources for families to help achieve economic self-
640 sufficiency.
641 e. There must be a single point of entry and unified
642 waiting list. As used in this sub-subparagraph, the term "single
643 point of entry" means an integrated information system that
644 allows a parent to enroll his or her child in the school
645 readiness program at various locations throughout a county, that
646 may allow a parent to enroll his or her child by telephone or
647 through an Internet website, and that uses a unified waiting
648 list to track eligible children waiting for enrollment in the
649 school readiness program. The Office of Early Learning shall
650 establish through technology a single statewide information
651 system that each coalition must use for the purposes of managing
652 the single point of entry, tracking children's progress,
653 coordinating services among stakeholders, determining
654 eligibility, tracking child attendance, and streamlining
655 administrative processes for providers and early learning
656 coalitions.
657 ~~f. The Office of Early Learning must consider the access of~~
658 ~~eligible children to the school readiness program, as~~
659 ~~demonstrated in part by waiting lists, before approving a~~
660 ~~proposed increase in payment rates submitted by an early~~
661 ~~learning coalition. In addition, early learning coalitions shall~~
662 ~~use school readiness funds made available due to enrollment~~
663 ~~shifts from school readiness programs to the Voluntary~~
664 ~~Prekindergarten Education Program for increasing the number of~~
665 ~~children served in school readiness programs before increasing~~
666 ~~payment rates.~~
667 f.~~g.~~ The program must meet all state licensing guidelines,

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668 where applicable. For a child care facility, large family child
669 care home, or licensed family day care home, compliance with s.
670 402.305, s. 402.313, or s. 402.3131 satisfies this requirement.
671 For a public or nonpublic school, compliance with s. 402.3025 or
672 s. 1003.22 satisfies this requirement. A faith-based child care
673 provider exempt from licensure under s. 402.316 must meet or
674 exceed the requirements of s. 402.305, except for square footage
675 per child, as determined by an onsite inspection by an early
676 learning coalition. An informal child care provider or
677 registered family day care home must meet or exceed the
678 requirements of s. 402.313. A before-school or after-school
679 program must meet or exceed the requirements of s. 402.305(5),
680 (6), and (7).
681 g.~~h.~~ The program must ensure that minimum standards for
682 child discipline practices are age-appropriate. Such standards
683 must provide that children not be subjected to discipline that
684 is severe, humiliating, or frightening or discipline that is
685 associated with food, rest, or toileting. Spanking or any other
686 form of physical punishment is prohibited.
687 2. Each early learning coalition must implement a
688 comprehensive program of school readiness services in accordance
689 with this chapter and the rules adopted by the office which
690 enhance the cognitive, social, and physical development of
691 children to achieve the performance standards and outcome
692 measures. At a minimum, these programs must contain the
693 following system support service elements:
694 a. Developmentally appropriate curriculum designed to
695 enhance the age-appropriate progress of children in attaining
696 the performance standards adopted by the Office of Early

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697 Learning under subparagraph (5)(d)8. ~~(4)(d)8.~~
698 b. A character development program to develop basic values.
699 c. An age-appropriate screening of each child's development
700 and an appropriate referral process for children with identified
701 delays.
702 d. An age-appropriate preassessment and postassessment of
703 children as provided in subparagraph (5)(d)10. ~~assessment~~
704 ~~administered to children when they enter a program and an age-~~
705 ~~appropriate assessment administered to children when they leave~~
706 ~~the program.~~
707 e. An appropriate staff-to-children ratio, pursuant to s.
708 402.305(4) or s. 402.302(8) or (11), as applicable, and as
709 verified pursuant to s. 402.311.
710 f. A healthy and safe environment pursuant to s. 402.305
711 ~~401.305~~(5), (6), and (7), as applicable, and as verified
712 pursuant to s. 402.311.
713 g. A resource and referral network established under s.
714 411.0101 to assist parents in making an informed choice and a
715 regional Warm-Line under s. 411.01015.
716
717 The Office of Early Learning and early learning coalitions shall
718 coordinate with the Child Care Services Program Office of the
719 Department of Children and Families ~~Family Services~~ to minimize
720 duplicating interagency activities pertaining to acquiring and
721 composing data for child care training and credentialing.
722 (d) *Implementation.*—
723 1. An early learning coalition may not implement the school
724 readiness program until the coalition's school readiness plan is
725 approved by the Office of Early Learning.

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726 2. Each early learning coalition shall coordinate with one
727 another to implement a comprehensive program of school readiness
728 services which enhances the cognitive, social, physical, and
729 moral character of the children to achieve the performance
730 standards and outcome measures and which helps families achieve
731 economic self-sufficiency. Such program must contain, at a
732 minimum, the following elements:
733 a. Implement the school readiness program to meet the
734 requirements of this section and the system support services,
735 performance standards, and outcome measures adopted by the
736 Office of Early Learning.
737 b. Demonstrate how the program will ensure that each child
738 from birth through 5 years of age in a publicly funded school
739 readiness program receives scheduled activities and instruction
740 designed to enhance the age-appropriate progress of the children
741 in attaining the performance standards adopted by the department
742 under subparagraph (5)(d)8. ~~(4)(d)8.~~
743 c. Ensure that the coalition has solicited and considered
744 comments regarding the proposed school readiness plan from the
745 local community.
746
747 Before implementing the school readiness program, the early
748 learning coalition must submit the plan to the office for
749 approval. The office may approve the plan, reject the plan, or
750 approve the plan with conditions. The office shall review school
751 readiness plans at least every 2 years.
752 3. If the Office of Early Learning determines during the
753 review of school readiness plans, or through monitoring and
754 performance evaluations conducted under paragraph (5)(l) ~~(4)(l)~~,

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755 that an early learning coalition has not substantially
756 implemented its plan, has not substantially met the performance
757 standards and outcome measures adopted by the office, or has not
758 effectively administered the school readiness program or
759 Voluntary Prekindergarten Education Program, the office may
760 dissolve the coalition and temporarily contract with a qualified
761 entity to continue school readiness and prekindergarten services
762 in the coalition's county or multicounty region until the office
763 reestablishes the coalition and a new school readiness plan is
764 approved in accordance with the rules adopted by the office.
765 4. The Office of Early Learning shall adopt rules
766 establishing criteria for the approval of school readiness
767 plans. The criteria must be consistent with the system support
768 services, performance standards, and outcome measures adopted by
769 the office and must require each approved plan to include the
770 following minimum standards for the school readiness program:
771 a. A community plan that addresses the needs of all
772 children and providers within the coalition's county or
773 multicounty region.
774 ~~b. A sliding fee scale establishing a copayment for parents~~
775 ~~based upon their ability to pay, which is the same for all~~
776 ~~program providers.~~
777 b.~~c.~~ A choice of settings and locations in licensed,
778 registered, religious-exempt, or school-based programs to be
779 provided to parents.
780 ~~d. Specific eligibility priorities for children in~~
781 ~~accordance with subsection (6).~~
782 c.~~e.~~ Performance standards and outcome measures adopted by
783 the office.

784 ~~f. Payment rates adopted by the early learning coalitions~~
785 ~~and approved by the office. Payment rates may not have the~~
786 ~~effect of limiting parental choice or creating standards or~~
787 ~~levels of services that have not been expressly established by~~
788 ~~the Legislature, unless the creation of such standards or levels~~
789 ~~of service, which must be uniform throughout the state, has been~~
790 ~~approved by the Federal Government and result in the state being~~
791 ~~eligible to receive additional federal funds available for early~~
792 ~~learning on a statewide basis.~~
793 ~~g. Direct enhancement services for families and children.~~
794 ~~System support and direct enhancement services shall be in~~
795 ~~addition to payments for the placement of children in school~~
796 ~~readiness programs. Direct enhancement services for families may~~
797 ~~include parent training and involvement activities and~~
798 ~~strategies to meet the needs of unique populations and local~~
799 ~~eligibility priorities. Enhancement services for children may~~
800 ~~include provider supports and professional development approved~~
801 ~~in the plan by the Office of Early Learning.~~
802 d.~~h.~~ The business organization of the early learning
803 coalition, which must include the coalition's articles of
804 incorporation and bylaws if the coalition is organized as a
805 corporation. If the coalition is not organized as a corporation
806 or other business entity, the plan must include the contract
807 with a fiscal agent. An early learning coalition may contract
808 with other coalitions to achieve efficiency in multicounty
809 services, and these contracts may be part of the coalition's
810 school readiness plan.
811 ~~i. The implementation of locally developed quality programs~~
812 ~~in accordance with the requirements adopted by the office under~~

813 ~~subparagraph (4)(d)5.~~
814
815 The Office of Early Learning may request the Governor to apply
816 for a waiver to allow the coalition to administer the Head Start
817 Program to accomplish the purposes of the school readiness
818 program.
819 5. Persons with an early childhood teaching certificate may
820 provide support and supervision to other staff in the school
821 readiness program.
822 6. An early learning coalition may not implement its school
823 readiness plan until it submits the plan to, and receives
824 approval from, the Office of Early Learning. Once the plan is
825 approved, the plan and the services provided under the plan
826 shall be controlled by the early learning coalition. The plan
827 shall be reviewed and revised as necessary, but at least
828 biennially. An early learning coalition may not implement the
829 revisions until the coalition submits the revised plan to, and
830 receives approval from, the office. If the office rejects a
831 revised plan, the coalition must continue to operate under its
832 prior approved plan.
833 7. Section 125.901(2)(a)3. does not apply to school
834 readiness programs. The Office of Early Learning may apply to
835 the Governor and Cabinet for a waiver of, and the Governor and
836 Cabinet may waive, any of the provisions of ss. 411.223 and
837 1003.54, if the waiver is necessary for implementation of school
838 readiness programs.
839 8. Two or more early learning coalitions may join for
840 purposes of planning and implementing a school readiness
841 program.

842 (e) *Requests for proposals~~; payment schedule~~.*—
843 ~~1.~~ Each early learning coalition must comply with federal
844 ~~the~~ procurement requirements and the expenditure requirements of
845 ~~procedures adopted by the Office of Early Learning, including,~~
846 ~~but not limited to, applying the procurement and expenditure~~
847 ~~procedures required by~~ federal and state law and state rules ~~for~~
848 ~~the expenditure of federal funds~~.
849 ~~2. Each early learning coalition shall adopt a payment~~
850 ~~schedule that encompasses all programs funded under this~~
851 ~~section. The payment schedule must take into consideration the~~
852 ~~prevailing market rate, must include the projected number of~~
853 ~~children to be served, and must be submitted for approval by the~~
854 ~~Office of Early Learning. Informal child care arrangements shall~~
855 ~~be reimbursed at not more than 50 percent of the rate adopted~~
856 ~~for a family day care home.~~
857 (f) *Evaluation and annual report.*—Each early learning
858 coalition shall conduct an evaluation of its implementation of
859 the school readiness program, including system support services,
860 performance standards, and outcome measures, and shall provide
861 an annual report and fiscal statement to the Office of Early
862 Learning. This report must also include an evaluation of the
863 effectiveness of its direct enhancement services and conform to
864 the content and format specifications adopted by the Office of
865 Early Learning. The Office of Early Learning must include an
866 analysis of the early learning coalitions' reports in the
867 office's annual report.
868 (7)~~(6)~~ PROGRAM ELIGIBILITY AND ENROLLMENT. ~~The school~~
869 ~~readiness program is established for children from birth to the~~
870 ~~beginning of the school year for which a child is eligible for~~

871 ~~admission to kindergarten in a public school under s.~~
872 ~~1003.21(1)(a)2. or who are eligible for any federal subsidized~~
873 ~~child care program.~~
874 (a) Each early learning coalition shall give priority for
875 participation in the school readiness program as follows:
876 1.~~(a)~~ Priority shall be given first to a child younger than
877 13 years of age from a working family that includes ~~in which~~
878 ~~there is~~ an adult receiving temporary cash assistance who is
879 subject to federal work requirements under chapter 414.
880 2.~~(b)~~ Priority shall be given next to an at-risk ~~a~~ child
881 younger than 9 years of age ~~who is eligible for a school~~
882 ~~readiness program but who has not yet entered school, who is~~
883 ~~served by the Family Safety Program Office of the Department of~~
884 ~~Children and Family Services or a community based lead agency~~
885 ~~under chapter 39 or chapter 409, and for whom child care is~~
886 ~~needed to minimize risk of further abuse, neglect, or~~
887 ~~abandonment~~.
888 3. Priority shall be given next to:
889 a. A child younger than 6 years of age from a working
890 family, including a working migratory family, that is
891 economically disadvantaged. However, the child ceases to be
892 eligible if his or her family income exceeds 200 percent of the
893 federal poverty level; or
894 b. A child who has special needs, is younger than 6 years
895 of age, has been determined eligible as a student having
896 disabilities, and has a current family support plan or
897 individual education plan.
898 4. Priority shall be given next to an at-risk child who is
899 at least 9 years of age, but younger than 13 years of age. An

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900 at-risk child whose sibling is enrolled in the school readiness
901 program within an eligibility priority category listed in
902 subparagraphs 1.-3. shall be given priority over other children
903 who are eligible under this subparagraph.
904 5. Priority shall be given next to a child who is at least
905 6 years of age, but younger than 13 years of age, and who is a
906 sibling of a child enrolled in the school readiness program
907 within the eligibility priority category listed in sub-
908 subparagraph 3.a.
909 6. Notwithstanding subparagraphs 1.-5., priority shall be
910 given last to a child who otherwise meets one of the eligibility
911 criteria in subparagraphs 1.-5. but who is also enrolled
912 concurrently in the federal Head Start program and the Voluntary
913 Prekindergarten Education Program.
914 (b) A school readiness provider may be paid only for
915 authorized hours of care provided for a child in the school
916 readiness program. A child enrolled in the Voluntary
917 Prekindergarten Education Program may receive care from the
918 school readiness program if the child is eligible according to
919 the eligibility priorities in paragraph (a).
920 (c) A coalition shall enroll all eligible children,
921 including those from its waiting list, according to the
922 eligibility priorities provided in paragraph (a).
923 (d) The parent of a child enrolled in the school readiness
924 program must notify the coalition or its designee within 10 days
925 after any change in employment, income, or family size. Upon
926 notification by the parent, the child's eligibility must be
927 reevaluated.
928 (e) A child whose eligibility priority category requires

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929 the child to be from a working family ceases to be eligible for
930 the school readiness program if a parent with whom the child
931 resides does not reestablish employment within 30 days after
932 becoming unemployed.
933 (f) Eligibility for each child must be reevaluated
934 annually. Upon reevaluation, a child may not continue to receive
935 school readiness services if he or she ceases to be eligible
936 under this subsection.
937 (g) If a coalition disenrolls children from the school
938 readiness program, the coalition must disenroll the children in
939 reverse order of the eligibility priorities listed in paragraph
940 (a), beginning with children from families with the highest
941 family incomes. A notice of disenrollment must be sent to
942 parents and school readiness providers at least 2 weeks before
943 disenrollment to ensure adequate time for parents to arrange
944 alternative care for their children. However, an at-risk child
945 may not be disenrolled from the program without the written
946 approval of the Family Safety Program Office of the Department
947 of Children and Families or the community-based lead agency.
948 (h)1. If a child is absent for 5 consecutive days without
949 contact from the parent, the school readiness provider shall
950 report the absences to the early learning coalition for a
951 determination of the need for continued care.
952 2. A school readiness provider, regardless of whether the
953 provider is licensed, must comply with the reporting
954 requirements under s. 39.604 for each at-risk child enrolled in
955 the school readiness program, regardless of the child's age or
956 eligibility for protective services.
957 ~~(c) Subsequent priority shall be given to a child who meets~~

958 ~~one or more of the following criteria:~~
959 ~~1. A child who is younger than the age of kindergarten~~
960 ~~eligibility and:~~
961 ~~a. Is at risk of welfare dependency, including an~~
962 ~~economically disadvantaged child, a child of a participant in~~
963 ~~the welfare transition program, a child of a migratory~~
964 ~~agricultural worker, or a child of a teen parent.~~
965 ~~b. Is a member of a working family that is economically~~
966 ~~disadvantaged.~~
967 ~~c. For whom financial assistance is provided through the~~
968 ~~Relative Caregiver Program under s. 39.5085.~~
969 ~~2. A 3-year-old child or 4-year-old child who may not be~~
970 ~~economically disadvantaged but who has a disability; has been~~
971 ~~served in a specific part-time exceptional education program or~~
972 ~~a combination of part-time exceptional education programs with~~
973 ~~required special services, aids, or equipment; and was~~
974 ~~previously reported for funding part-time under the Florida~~
975 ~~Education Finance Program as an exceptional student.~~
976 ~~3. An economically disadvantaged child, a child with a~~
977 ~~disability, or a child at risk of future school failure, from~~
978 ~~birth to 4 years of age, who is served at home through a home~~
979 ~~visitor program and an intensive parent education program.~~
980 ~~4. A child who meets federal and state eligibility~~
981 ~~requirements for the migrant preschool program but who is not~~
982 ~~economically disadvantaged.~~
983
984 ~~As used in this paragraph, the term "economically disadvantaged"~~
985 ~~means having a family income that does not exceed 150 percent of~~
986 ~~the federal poverty level. Notwithstanding any change in a~~

987 ~~family's economic status, but subject to additional family~~
988 ~~contributions in accordance with the sliding fee scale, a child~~
989 ~~who meets the eligibility requirements upon initial registration~~
990 ~~for the program remains eligible until the beginning of the~~
991 ~~school year for which the child is eligible for admission to~~
992 ~~kindergarten in a public school under s. 1003.21(1)(a)2.~~
993 (8) ~~(7)~~ PARENTAL CHOICE.—
994 (a) Parental choice of child care providers shall be
995 established, to the maximum extent practicable, in accordance
996 with 45 C.F.R. s. 98.30.
997 (b) As used in this subsection, the term "payment
998 certificate" means a child care certificate as defined in 45
999 C.F.R. s. 98.2.
1000 (c) The school readiness program shall, in accordance with
1001 45 C.F.R. s. 98.30, provide parental choice through a payment
1002 certificate that ensures, to the maximum extent possible,
1003 flexibility in the school readiness program and payment
1004 arrangements. The payment certificate must bear the names of the
1005 beneficiary and the program provider and, when redeemed, must
1006 bear the signatures of both the beneficiary and an authorized
1007 representative of the provider.
1008 (d) If it is determined that a provider has given any cash
1009 to the beneficiary in return for receiving a payment
1010 certificate, the early learning coalition or its fiscal agent
1011 shall refer the matter to the Department of Financial Services
1012 pursuant to s. 414.411 for investigation.
1013 (e) The office of the Chief Financial Officer shall
1014 establish an electronic transfer system for the disbursement of
1015 funds in accordance with this subsection. Each early learning

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1016 coalition shall fully implement the electronic funds transfer
1017 system within 2 years after approval of the coalition's school
1018 readiness plan, unless a waiver is obtained from the Office of
1019 Early Learning.
1020 (9) ~~(8)~~ STANDARDS; OUTCOME MEASURES.—A program provider
1021 participating in the school readiness program must meet the
1022 performance standards and outcome measures adopted by the Office
1023 of Early Learning.
1024 (10) ~~(9)~~ FUNDING; SCHOOL READINESS PROGRAM.—
1025 (a) Funding for the school readiness program shall be
1026 allocated among the early learning coalitions in accordance with
1027 this section, s. 411.013, and the General Appropriations Act.
1028 ~~(a) It is the intent of this section to establish an~~
1029 ~~integrated and quality seamless service delivery system for all~~
1030 ~~publicly funded early childhood education and child care~~
1031 ~~programs operating in this state.~~
1032 (b)1. The Office of Early Learning shall administer school
1033 readiness funds~~, plans, and policies~~ and shall prepare and
1034 submit a unified budget request for the school readiness system
1035 in accordance with chapter 216.
1036 2. All instructions to early learning coalitions for
1037 administering this section shall emanate from the Office of
1038 Early Learning in accordance with the policies of the
1039 Legislature.
1040 ~~(c) The Office of Early Learning, subject to legislative~~
1041 ~~notice and review under s. 216.177, shall establish a formula~~
1042 ~~for the allocation of all state and federal school readiness~~
1043 ~~funds provided for children participating in the school~~
1044 ~~readiness program, whether served by a public or private~~

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1045 ~~provider, based upon equity for each county. The allocation~~
1046 ~~formula must be submitted to the Governor, the chair of the~~
1047 ~~Senate Ways and Means Committee or its successor, and the chair~~
1048 ~~of the House of Representatives Fiscal Council or its successor~~
1049 ~~no later than January 1 of each year. If the Legislature~~
1050 ~~specifies changes to the allocation formula, the Office of Early~~
1051 ~~Learning shall allocate funds as specified in the General~~
1052 ~~Appropriations Act.~~
1053 (c) ~~(d)~~ All state, federal, and required local maintenance-
1054 of-effort or matching funds provided to an early learning
1055 coalition for purposes of this section shall be used for
1056 implementation of its approved school readiness plan, including
1057 the hiring of staff to effectively operate the coalition's
1058 school readiness program. ~~As part of plan approval and periodic~~
1059 ~~plan review, the Office of Early Learning shall require that~~
1060 ~~administrative~~
1061 (d) Costs must be kept to the minimum necessary for the
1062 efficient and effective administration of the school readiness
1063 program. However, no more than 4 percent of the funds described
1064 in paragraph (c) may be used for administrative costs as
1065 described in subparagraph 1., and, except as otherwise specified
1066 in the General Appropriations Act, no more than 18 percent of
1067 the funds described in paragraph (c) may be used for any
1068 combination of the following administrative costs, quality
1069 activities, or nondirect services:
1070 1. Administrative costs as described in 45 C.F.R. s. 98.52.
1071 2. Activities to improve the quality of child care as
1072 described in 45 C.F.R. s. 98.51, which must be limited to the
1073 following:

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1074 a. Developing, establishing, expanding, operating, and
1075 coordinating resource and referral programs specifically related
1076 to the provision of comprehensive consumer education to parents
1077 and the public regarding participation in the school readiness
1078 program.
1079 b. Awarding grants to school readiness providers to assist
1080 them in meeting applicable state requirements for child care
1081 performance standards, implementing developmentally appropriate
1082 curricula and related classroom resources that support
1083 curricula, providing literacy supports, and providing
1084 professional development.
1085 c. Providing training and technical assistance for school
1086 readiness providers, staff, and parents on child performance
1087 standards, child screenings, child assessments, developmentally
1088 appropriate curricula, character development, teacher-child
1089 interactions, age-appropriate discipline practices, health and
1090 safety, nutrition, first aid, the recognition of communicable
1091 diseases, and child abuse detection and prevention.
1092 d. Providing from among the funds allocated for the
1093 activities described in sub-subparagraphs a.-c. adequate funding
1094 for infants and toddlers as necessary to meet federal
1095 requirements related to expenditures for quality activities for
1096 infant and toddler care.
1097 e. Monitoring providers using the standardized methodology
1098 adopted pursuant to subparagraph (5)(d)12. to improve compliance
1099 with state and federal regulations and law pursuant to the
1100 requirements of the statewide provider contract adopted pursuant
1101 to subparagraph (5)(d)11.
1102 f. Assisting the provider in implementing a preassessment

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1103 and postassessment approved by the Office of Early Learning.
1104 g. Responding to Warm-Line calls by providers and parents
1105 related to school readiness children, including providing
1106 developmental and health screenings to school readiness
1107 children.
1108 3. Nondirect services as described in 63 Fed. Reg. 39962-
1109 39963 (July 24, 1998) and applicable Office of Management and
1110 Budget instructions required to administer the school readiness
1111 program. As used in this paragraph, the term "nondirect
1112 services" does not include payments to school readiness
1113 providers for direct services provided to children who are
1114 eligible under paragraph (7)(a), administrative costs as
1115 described in subparagraph 1., or quality activities as described
1116 in subparagraph 2. ~~plan, but total administrative expenditures~~
1117 ~~must not exceed 5 percent unless specifically waived by the~~
1118 ~~Office of Early Learning. The Office of Early Learning shall~~
1119 ~~annually report to the Legislature any problems relating to~~
1120 ~~administrative costs.~~
1121 (e)1. A sliding fee scale percentage shall be provided in
1122 the General Appropriations Act, which must be the same for all
1123 school readiness providers. A parent's copayment for the school
1124 readiness program shall be determined by multiplying the sliding
1125 fee scale percentage by the family income and adjusting for
1126 family size.
1127 2. Each early learning coalition shall implement the
1128 sliding fee scale as provided in the General Appropriations Act.
1129 A coalition may, on a case-by-case basis, waive the copayment
1130 for an at-risk child or temporarily waive the copayment for a
1131 child whose family experiences a natural disaster or emergency

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1132 situation such as a household fire or burglary.
1133 (f)1. An adjusted payment rate percentage shall be provided
1134 in the General Appropriations Act, which must be used to
1135 determine annual payment rates for school readiness providers.
1136 The annual payment rates for each type of school readiness
1137 provider and level of care is calculated by:
1138 a. Multiplying the prevailing market rate for the
1139 respective type of school readiness provider and level of care
1140 by the adjusted payment rate percentage;
1141 b. Adjusting the product of sub-subparagraph a. by the
1142 district cost differential as provided in s. 1011.62(2) for the
1143 county in which the school readiness provider is located; and
1144 c. If the school readiness provider has the Gold Seal
1145 Quality Care designation under s. 402.281, multiplying the
1146 product of sub-subparagraph b. by the Gold Seal premium
1147 percentage provided in the General Appropriations Act.
1148 2. A school readiness provider's total payment for a child
1149 must be equal to the payment rate calculated under subparagraph
1150 1., less the amount of the parent's copayment as determined
1151 under paragraph (e). However, payments made to the school
1152 readiness provider may not exceed the provider's charges to the
1153 general public for the same services.
1154 (g) The Office of Early Learning may increase or decrease
1155 the adjusted payment rate percentage for a specific geographic
1156 area in order to ensure that care levels are available
1157 throughout the state. Any increase in an adjusted payment rate
1158 percentage must be funded through the current year's
1159 appropriation.
1160 ~~(e) The Office of Early Learning shall annually distribute,~~

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1161 ~~to a maximum extent practicable, all eligible funds provided~~
1162 ~~under this section as block grants to the early learning~~
1163 ~~coalitions in accordance with the terms and conditions specified~~
1164 ~~by the office.~~
1165 (h) ~~(f)~~ State funds appropriated for the school readiness
1166 program may not be used for the construction of new facilities
1167 or the purchase of buses.
1168 (i) ~~(g)~~ All cost savings and all revenues received through a
1169 mandatory sliding fee scale shall be used to help fund each
1170 early learning coalition's school readiness program.
1171 ~~(10) CONFLICTING PROVISIONS. If a conflict exists between~~
1172 ~~this section and federal requirements, the federal requirements~~
1173 ~~control.~~
1174 (11) SUBSTITUTE INSTRUCTORS.—Each school district shall
1175 make a list of all individuals currently eligible to act as a
1176 substitute teacher within the county pursuant to the rules
1177 adopted by the school district pursuant to s. 1012.35 available
1178 to an early learning coalition serving students within the
1179 school district. Child care facilities, as defined in ~~by~~ s.
1180 402.302, may employ individuals listed as substitute instructors
1181 for the purpose of offering the school readiness program, the
1182 Voluntary Prekindergarten Education Program, and all other
1183 legally operating child care programs.
1184 (12) INVESTIGATIONS OF FRAUD OR OVERPAYMENT; PENALTIES.—
1185 (a) As used in this subsection, the term "fraud" means an
1186 intentional deception or misrepresentation made by a person with
1187 knowledge that the deception or misrepresentation may result in
1188 an unauthorized benefit to that person or another person. The
1189 term includes any act that constitutes fraud under applicable

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1190 federal or state law.
1191 (b) To recover state, federal, and local matching funds,
1192 the inspector general of the Office of Early Learning shall
1193 investigate coalitions, recipients, and providers of the school
1194 readiness program and the Voluntary Prekindergarten Education
1195 Program to determine possible fraud or overpayment. If by its
1196 own inquiries, or as a result of a complaint, the office has
1197 reason to believe that a person has engaged in, or is engaging
1198 in, a fraudulent act, it shall investigate and determine whether
1199 any overpayment has occurred due to the fraudulent act. During
1200 the investigation, the office may examine all records, including
1201 electronic benefits transfer records, and make inquiry of all
1202 persons who may have knowledge as to any irregularity incidental
1203 to the disbursement of public moneys or other items or
1204 authorization of benefits to recipients.
1205 (c) If the inspector general determines that an overpayment
1206 has occurred due to a fraudulent act, the parent or provider is
1207 responsible for repayment and restitution of any costs
1208 associated with the fraud, and the office shall pursue
1209 collection through any legal means. A parent or provider may not
1210 participate in the program until the repayment is made in full.
1211 A provider who has an officer or director in common with a
1212 provider who is ineligible to participate under this subsection
1213 may not participate until repayment is made in full.
1214 (d) Based on the results of the investigation, the
1215 inspector general may, in his or her discretion, refer the
1216 investigation to the Department of Law Enforcement for criminal
1217 prosecution, or may seek civil enforcement or refer the matter
1218 to the applicable coalition. Any suspected criminal violation

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1219 identified by the inspector general must be referred to the
1220 Department of Legal Affairs for investigation.
1221 (e) If a school readiness provider, after investigation and
1222 adjudication by a court of competent jurisdiction, is convicted
1223 of fraudulently misrepresenting enrollment or attendance related
1224 to the school readiness program or the Voluntary Prekindergarten
1225 Education Program, the coalition shall permanently refrain from
1226 contracting with, or using the services of, that provider. In
1227 addition, the coalition shall permanently refrain from
1228 contracting with, or using the services of, a provider who has
1229 an officer or director in common with a provider who is
1230 convicted of fraudulently misrepresenting enrollment or
1231 attendance related to the school readiness program or the
1232 Voluntary Prekindergarten Education Program.
1233 (f) If the investigation is not confidential or otherwise
1234 exempt from disclosure by law, the results of the investigation
1235 may be reported by the Office of Early Learning to the
1236 appropriate legislative committees, the Department of Education,
1237 the Department of Children and Families, or such other persons
1238 as the office deems appropriate.
1239 (g) A person who commits fraud as defined in this
1240 subsection is subject to the penalties provided in s.
1241 414.39(5)(a) and (b).
1242 Section 2. Effective upon this act becoming a law, section
1243 411.013, Florida Statutes, is created to read:
1244 411.013 School Readiness Allocation Conference; allocation
1245 formula for school readiness program funds.—
1246 (1) There is created the School Readiness Allocation
1247 Conference. Conference principals shall include professional

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

1248 staff of the Office of Early Learning, the Executive Office of
1249 the Governor, and the appropriations committees of the Senate
1250 and House of Representatives.
1251 (2)(a) By May 31, 2014, and by January 1 of each year
1252 thereafter, the Office of Early Learning shall submit to the
1253 School Readiness Allocation Conference a recommended formula for
1254 the allocation among the early learning coalitions of the school
1255 readiness program funds provided in the General Appropriations
1256 Act.
1257 (b) Before any distribution of school readiness program
1258 funds, the School Readiness Allocation Conference shall meet to
1259 review the recommended allocation formula submitted by the
1260 Office of Early Learning. The conference principals must agree
1261 on all conventions and methods of computation used to calculate
1262 the allocation formula for the fiscal year for which the
1263 appropriation is made. These conventions and calculation methods
1264 must remain in effect until further agreements are reached in
1265 subsequent conferences called by any conference principal for
1266 that purpose.
1267 (c) Each fiscal quarter, the Office of Early Learning shall
1268 recalculate the allocations for the early learning coalitions
1269 using the agreed upon methodology. The conference principals,
1270 upon the request of any conference principal, shall meet to
1271 review the quarterly calculation made by the Office of Early
1272 Learning. Before each recalculation of the allocation formula,
1273 the Office of Early Learning shall provide the conference
1274 principals with all data necessary to replicate the allocation
1275 precisely. These data must include a matrix organized by
1276 provider type of all eligible child count revisions made by the

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1277 Office of Early Learning as part of its administration of the
1278 school readiness programs.
1279 (3)(a) Notwithstanding the provisions of s. 411.01(10)(e)
1280 and (f) which require that the adjusted payment rate percentage,
1281 sliding fee scale percentage, parent copayments, and Gold Seal
1282 premium percentage be provided in the General Appropriations
1283 Act, and for the 2013-2014 fiscal year only, the Office of Early
1284 Learning shall, by May 31, 2014, submit recommendations to the
1285 School Readiness Allocation Conference for the adjusted payment
1286 rate percentage, sliding fee scale percentage, parent
1287 copayments, and Gold Seal premium percentage.
1288 (b) The Office of Early Learning shall submit
1289 recommendations to the School Readiness Allocation Conference
1290 with options for a 3-year phase-in of the revised allocation
1291 formula. As part of the 3-year phase-in, the Office of Early
1292 Learning shall transition the Gold Seal premium percentage to 10
1293 percent. For the first year of the transition, the Gold Seal
1294 premium percentage must be at least 10 percent but not more than
1295 18 percent. Once the 3-year phase-in of the allocation formula
1296 is complete, the Office of Early Learning shall submit to the
1297 conference any recommended revisions to the allocation formula
1298 with recommended factors by January 1 of each year.
1299 Section 3. Paragraph (a) of subsection (8) of section
1300 216.136, Florida Statutes, is amended to read:
1301 216.136 Consensus estimating conferences; duties and
1302 principals.—
1303 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—
1304 (a) The Early Learning Programs Estimating Conference shall
1305 develop estimates and forecasts of the unduplicated count of

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1306 children eligible for school readiness programs in accordance
1307 with the standards of eligibility established in s. 411.01(7)
1308 ~~411.01(6)~~, and of children eligible for the Voluntary
1309 Prekindergarten Education Program in accordance with s.
1310 1002.53(2), as the conference determines are needed to support
1311 the state planning, budgeting, and appropriations processes.
1312 Section 4. Subsection (1) and paragraph (a) of subsection
1313 (3) of section 411.0101, Florida Statutes, are amended to read:
1314 411.0101 Child care and early childhood resource and
1315 referral.—
1316 (1) As a part of the school readiness programs, the Office
1317 of Early Learning shall establish a statewide child care
1318 resource and referral network that is unbiased and provides
1319 referrals to families for child care. Preference must ~~shall~~ be
1320 given to using the already established early learning coalitions
1321 as the child care resource and referral agencies. If an early
1322 learning coalition cannot comply with the requirements to offer
1323 the resource information component or does not want to offer
1324 that service, the early learning coalition shall select the
1325 resource and referral agency for its county or multicounty
1326 region based upon a request for proposal pursuant to s.
1327 411.01(6)(e) ~~411.01(5)(e)1~~.
1328 (3) Child care resource and referral agencies shall provide
1329 the following services:
1330 (a) Identification of existing public and private child
1331 care and early childhood education services, including child
1332 care services by public and private employers, and the
1333 development of a resource file of those services through the
1334 single statewide information system developed by the Office of

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1335 Early Learning under s. 411.01(6)(c)1.e. ~~411.01(5)(c)1.e.~~ These
1336 services may include family day care, public and private child
1337 care programs, the Voluntary Prekindergarten Education Program,
1338 Head Start, the school readiness program, special education
1339 programs for prekindergarten children with disabilities,
1340 services for children with developmental disabilities, full-time
1341 and part-time programs, before-school and after-school programs,
1342 vacation care programs, parent education, the Temporary Cash
1343 Assistance program, and related family support services. The
1344 resource file must ~~shall~~ include, but need not be limited to:
1345 1. Type of program.
1346 2. Hours of service.
1347 3. Ages of children served.
1348 4. Number of children served.
1349 5. Significant program information.
1350 6. Fees and eligibility for services.
1351 7. Availability of transportation.
1352 Section 5. Section 411.01013, Florida Statutes, is amended
1353 to read:
1354 411.01013 Prevailing market rate schedule.—
1355 (1) As used in this section, the terms ~~term:~~
1356 ~~(a)~~ "market rate" and ~~means the price that a child care~~
1357 ~~provider charges for daily, weekly, or monthly child care~~
1358 ~~services.~~
1359 ~~(b)~~ "prevailing market rate" have the same meanings as
1360 provided in s. 411.01 ~~means the annually determined 75th~~
1361 ~~percentile of a reasonable frequency distribution of the market~~
1362 ~~rate in a predetermined geographic market at which child care~~
1363 ~~providers charge a person for child care services~~.

1364 (2) The Office of Early Learning shall establish ~~procedures~~
1365 ~~for~~ the ~~adoption of a~~ prevailing market rate schedule. The
1366 schedule must ~~include, at a minimum, county by county rates:~~
1367 ~~(a) At the prevailing market rate, plus the maximum rate,~~
1368 ~~for child care providers that hold a Gold Seal Quality Care~~
1369 ~~designation under s. 402.281.~~
1370 ~~(b) At the prevailing market rate for child care providers~~
1371 ~~that do not hold a Gold Seal Quality Care designation.~~
1372 ~~(3) The prevailing market rate schedule, at a minimum,~~
1373 ~~must~~:
1374 (a) Differentiate rates by type, including, but not limited
1375 to, ~~a child care provider that holds a Gold Seal Quality Care~~
1376 ~~designation under s. 402.281,~~ a child care facility licensed
1377 under s. 402.305, a public or nonpublic school exempt from
1378 licensure under s. 402.3025, a faith-based child care facility
1379 exempt from licensure under s. 402.316 ~~that does not hold a Gold~~
1380 ~~Seal Quality Care designation~~, a large family child care home
1381 licensed under s. 402.3131, or a family day care home licensed
1382 or registered under s. 402.313.
1383 (b) Differentiate rates by the type of child care services
1384 provided for ~~children with special needs or risk categories,~~
1385 infants, toddlers, preschool-age children, and school-age
1386 children.
1387 (c) Differentiate rates between full-time and part-time
1388 child care services.
1389 ~~(d) Consider discounted rates for child care services for~~
1390 ~~multiple children in a single family.~~
1391 (3) ~~(4)~~ The prevailing market rate schedule must be based
1392 exclusively on the prices charged for child care services. If a

1393 conflict exists between this subsection and federal
1394 requirements, the federal requirements ~~shall~~ control.
1395 (4) ~~(5)~~ Each child care and early childhood education
1396 provider that receives school readiness funds must submit its
1397 market rate by August 1 of each year to the Office of Early
1398 Learning for inclusion in the calculation of the prevailing
1399 market rate ~~shall be considered by an early learning coalition~~
1400 ~~in the adoption of a payment~~ schedule ~~in accordance with s.~~
1401 ~~411.01(5)(c)2~~.
1402 (5) ~~(6)~~ The Office of Early Learning may contract with one
1403 or more qualified entities to administer this section and
1404 provide support and technical assistance for child care
1405 providers.
1406 (6) ~~(7)~~ The Office of Early Learning may adopt rules
1407 pursuant to ss. 120.536(1) and 120.54 for establishing
1408 procedures for the collection of child care providers' market
1409 rate, the calculation of a reasonable frequency distribution of
1410 the market rate, and the publication of a prevailing market rate
1411 schedule.
1412 Section 6. Section 411.0106, Florida Statutes, is amended
1413 to read:
1414 411.0106 Infants and toddlers in state-funded education and
1415 care programs; brain development activities.—Each state-funded
1416 education and care program for children from birth to 5 years of
1417 age must provide activities to foster brain development in
1418 infants and toddlers. A program must provide an environment that
1419 helps children attain the performance standards adopted by the
1420 Office of Early Learning pursuant to ~~under~~ s. 411.01(5)(d)8.
1421 ~~411.01(4)(d)8.~~ and must be rich in language and music and filled

1422 with objects of various colors, shapes, textures, and sizes to
1423 stimulate visual, tactile, auditory, and linguistic senses in
1424 the children and must include classical music and at least 30
1425 minutes of reading to the children each day. A program may be
1426 offered through an existing early childhood program such as
1427 Healthy Start, the Title I program, the school readiness
1428 program, the Head Start program, or a private child care
1429 program. A program must provide training for the infants' and
1430 toddlers' parents, including direct dialogue and interaction
1431 between teachers and parents demonstrating the urgency of brain
1432 development in the first year of a child's life. Family day care
1433 centers are encouraged, but not required, to comply with this
1434 section.
1435 Section 7. Paragraph (c) of subsection (1) of section
1436 445.023, Florida Statutes, is amended to read:
1437 445.023 Program for dependent care for families with
1438 children with special needs.—
1439 (1) There is created the program for dependent care for
1440 families with children who have ~~with~~ special needs. This program
1441 is intended to provide assistance to families with children who
1442 meet the following requirements:
1443 (c) The family meets the income guidelines established
1444 under s. 411.01(7) ~~411.01(6)~~, notwithstanding any financial
1445 eligibility criteria to the contrary in s. 414.075, s. 414.085,
1446 or s. 414.095.
1447 Section 8. Notwithstanding the changes made by this act to
1448 the eligibility priorities for the school readiness program in
1449 s. 411.01, Florida Statutes, an early learning coalition may not
1450 disenroll a child who, upon the effective date of this act, is

1451 enrolled in the school readiness program and receiving services
1452 under the eligibility priorities in s. 411.01(6), Florida
1453 Statutes, until the child ceases to be eligible under those
1454 priorities. An early learning coalition shall enroll all
1455 eligible children, including those from its waiting list, in
1456 accordance with the changes made by this act to the eligibility
1457 priorities in s. 411.01, Florida Statutes.
1458 Section 9. Except as otherwise expressly provided in this
1459 act and except for this section, which shall take effect upon
1460 this act becoming a law, this act shall take effect July 1,
1461 2013.

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STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

John R. Padget

is duly appointed a member of the

State Board of Education

for a term beginning on the
Seventh day of February, A.D., 2013,
until the Thirty-First day of December, A.D., 2016
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Twenty-First day of February, A.D., 2013.

Ken Detzner

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8½ x 11" document.

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

RICK SCOTT
GOVERNOR

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DIVISION OF ELECTIONS
TALLAHASSEE, FL

February 8, 2013

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 1001.01, Florida Statutes:

Mr. John R. Padget
611 Frances Street
Key West, Florida 33040

as a member of the State Board of Education, subject to confirmation by the Senate. This appointment is effective February 7, 2013, for a term ending December 31, 2016.

Sincerely,

Rick Scott
Governor

RS/kb

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 488-2272 • FAX (850) 922-4292

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation.
The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.
Please type or print in blue or black ink.

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SECRETARY OF STATE

February 15, 2013
Date Completed

1. Name: Mr. Padget John Richard
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: _____
Street Office # City

_____
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 611 Frances Street Key West Monroe
Street City County

Florida 33040 3 05-294-3642
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business ☐ Residence ■ Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
611 Frances Street	Key West	1990	2013

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
Keizersgracht 460	Amsterdam, the Netherlands	1973	1990

5. Date of Birth: January 28, 1937 Place of Birth: Tully, New York

6. Social Security Number: _____

7. Driver License Number _____ ing State: Florida

8. Have you ever used or been known by any other legal name? Yes ☐ No ■ If "Yes" Explain

_____
_____
_____
_____

9. Are you a United States citizen? Yes ■ No ☐ If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 1990

11. Are you a registered Florida voter? Yes ■ No ☐ If "Yes" list:

A. County of Registration: Monroe B. Current Party Affiliation: Republican

12. Education

A. High School: Tully Central School, Tully, New York (Name and Location) Year Graduated: 1954

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
Cornell University	1954-1958	B.S.
Cornell University	1958-1959	M.S.
Harvard University	1960-1962	M.B.A.

13. Are you or have you ever been a member of the armed forces of the United States? Yes ■ No ☐ If "Yes" list:

A. Dates of Service: 1959-1966

B. Branch or Component: U.S. Army

C. Date & type of discharge: 9 June 1966 Honorable Discharge

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of $150 or less was paid.) Yes ☐ No ■ If Yes" give details:

Date	Place	Nature	Disposition

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
Monroe County School District	Public Schools	Superintendent	2003-2004

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ■ No ☐
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment
Superintendent of Schools	Monroe County School District	2003-2004

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I seek re-appointment. I'm a fervent supporter of Gov. Scott's COLLEGE AND CAREER FIRST plan for Florida's preK-12 education system. Having served on the board for one term, I'm intimately familiar with the issues facing the DOE and the State Board of Education, including the importance of a smooth implementation of the Common Core standards, correct transition from FCAT to PARCC assessments, supporting teachers, and achieving better educational outcomes for ALL students. I know and respect Commissioner Dr. Tony Bennett, and look forward to supporting him.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes ■ No ☐ If "Yes", list:

M.B.A. from the Harvard Business School (see above)

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes ☐ No ■
If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

Board Member and President, Monroe County Education Foundation

Board Member and Chair, Finance & Investment Committee, Florida Keys Community College Foundation

Former Board Member, Take Stock in Children

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?
Yes ☐ No ■ If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes ■ No ☐ If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government
Board Member, Florida's State Board of Education		May 13, 2009-December 31, 2012	State
Board Member, Lower Florida Keys Hospital District Board		2008-September 2012	District

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: usually monthly, sometimes bi-monthly

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

Meetings Attended	Meetings Missed	Reason for Absence
ALL	NONE	

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes ☐ No ☒ If "Yes", give details:

Date	Nature of Violation	Disposition

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes ☐ No ☒ If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes ☒ No ☐
If "Yes", list:

A. Title of Office: Board Member, Florida's State Board of Education

B. Term of Appointment: May 13, 2009 - December 31, 2012

C. Confirmation results: Confirmed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ☒ If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes ☐ No ☒
If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

License/Certificate Title & Number	Original Issue Date	Issuing Authority	Disciplinary Action/Date

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

Name of Business	Your Relationship to Business	Business' Relationship to Agency

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ■ If "Yes", explain:

Name of Business	Family Member's Relationship to You	Family Member's Relationship to Business	Business' Relationship to Agency

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☐ No ■

A. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ☐

B. Name of agency or entity you lobbied and the principal(s) you represented:

Agency Lobbied	Principal Represented

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

Name	Mailing Address	Zip Code	Area Code/Phone Number
Gary R. Chartrand, I			
Pam Stewart, Chancellor,			
Lynn Abbott, A			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

Name	Mailing Address	Office(s) Held & Term	Date(s) of Membership
Key West Chamber of Commerce, Key West, Florida		None	since 1995
Navy League, Key West, Florida		None	since 2003
Monroe County Education Foundation		President	since 2000
Florida Keys Community College Foundation		Chair, Finance Comm.	since 2008

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ■ If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ■ No ☐

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DIVISION OF ELECTIONS
SECRETARY OF STATE

CERTIFICATION

STATE OF FLORIDA
COUNTY OF MONROE

Before me, the undersigned Notary Public of Florida, personally appeared JOHN R. PADGET, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Signature of Applicant-Affiant

Sworn to and subscribed before me this 15th day of February, 2013.

Signature of Notary Public-State of Florida

LISA M. MCCARTHY
Notary Public - State of Florida
My Comm. Expires Jun 27, 2015
Commission # EE 106776
Bonded Through National Notary Assn.

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: June 27, 2015

Personally Known ☐ **OR** Produced Identification ☒

Type of Identification Produced Florida Driver License

(seal)

A black and white copy of this document is not official

960

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

H. Wayne Huizenga, Jr.

is duly appointed a member of the

Board of Governors of the State University System

for a term beginning on the
Tenth day of January, A.D., 2013,
until the Sixth day of January, A.D., 2020
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Thirteenth day of February, A.D., 2013.

Ken Detzner

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8½ x 11" document.

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RICK SCOTT
GOVERNOR

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TALLAHASSEE, FL

January 11, 2013

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Article IX, Sec. 7, FL Constitution:

Mr. Harry W. Huizenga Jr.
4000 North Flagler Drive
West Palm Beach, Florida 33407

as a member of the Board of Governors of the State University System, succeeding Hector Perez, subject to confirmation by the Senate. This appointment is effective January 10, 2013, for a term ending January 6, 2020.

Sincerely,

Rick Scott
Governor

RS/kb

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 488-2272 • FAX (850) 922-4292

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.

Please type or print in blue or black ink.

February 11, 2013
Date Completed

1. Name: Mr. | Huizenga, Jr. | Harry | Wayne
   Mr./Mrs./Ms. | Last | First | Middle/Maiden

2. Business Address: 2010 Avenue B | Riviera Beach
   Street | Office # | City
   Florida | 33404 | 561.840.8309
   Post Office Box | State | Zip Code | Area Code/Phone Number

3. Residence Address: 16191 Quiet Vista Circle | Delray Beach | Palm Beach
   Street | City | County
   Florida | 33446 | 561.865.5361
   Post Office Box | State | Zip Code | Area Code/Phone Number

Specify the preferred mailing address: Business ☒ Residence ☐ Fax # 561.863.2881 (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
16191 Quiet Vista Circle	Delray Beach, FL 33446	8/2009	Current
1801 S. E. 8 Street	Fort Lauderdale, FL 33301	12/1999	8/2009

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From		To
250 Guignard Lane	Banner Elk, NC	2011	-	Current
Chub Cay Club	Chub Cay, Bahamas	2008	-	Current

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TALLAHASSEE, FL

5. Date of Birth: 12/29/1961 Place of Birth: Fort Lauderdale, FL

6. Social Security Number:

7. Driver License Number: Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes ☐ No ☒ If "Yes" Explain

9. Are you a United States citizen? Yes ☒ No ☐ If "No" explain:

If you are a naturalized citizen, date of naturalization:

10. Since what year have you been a continuous resident of Florida? 1974

11. Are you a registered Florida voter? Yes ☒ No ☐ If "Yes" list:

A. County of Registration: Palm Beach B. Current Party Affiliation: Republican

12. Education

A. High School: Palm Beach Gardens High School, Palm Beach, FL Year Graduated: 1980
(Name and Location)

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
University of Tampa	1980 - 1985	Bachelor of Science - Business
Tampa, FL		

13. Are you or have you ever been a member of the armed forces of the United States? Yes ☐ No ☒ If "Yes" list:

A. Dates of Service:

B. Branch or Component:

C. Date & type of discharge:

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of $150 or less was paid.) Yes ☐ No ☒ If Yes" give details:

Date	Place	Nature	Disposition

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
Rybovich	Marine Industry	President	2004 - Current
4000 N. Flager Dr, West Palm Beach, FL 33407			

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ☐ No ☒
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

President or CEO of multiple companies or over site of such.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes ■ No ☐ If "Yes", list:

Business degree.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes ■ No ☐ If "Yes", list:

2011 Business of The Year Award, Palm Beach Chamber of Commerce

2011 Palm Beach Atlantic University American Free Enterprise Medal

D. Identify all association memberships and association offices held by you that relate to this appointment:

World Presidents Organization - WPO

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes ☐ No ■ If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes ☐ No ■ If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

Meetings Attended	Meetings Missed	Reason for Absence

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes ☐ No ☒ If "Yes", give details:

Date	Nature of Violation	Disposition

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes ☐ No ☒ If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes ☐ No ☒
If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ☒ If "Yes", explain:

_____

_____

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes ☐ No ☒
If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

License/Certificate Title & Number	Original Issue Date	Issuing Authority	Disciplinary Action/Date

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☒ No ☐ If "Yes", explain:

Name of Business	Your Relationship to Business	Business' Relationship to Agency
Rybovich	Owner	CFO Tim Sargent serves on South FL Water Management District Board
Rybovich	Owner	Applicant for Permit DEP
Rybovich	Owner	As lessee sovereign submerged lands

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ■ No ☐ If "Yes", explain:

Name of Business	Family Member's Relationship to You	Family Member's Relationship to Business	Business' Relationship to Agency
Children's Services	Martha J. Huizenga	Board Member	None
Council	Step Mother		
Broward County	Martha J. Huizenga	Board Member	None
Performing Arts	Step Mother		

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☐ No ■

A. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ■

B. Name of agency or entity you lobbied and the principal(s) you represented:

Agency Lobbied	Principal Represented
N/A	

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

Name	Mailing Address	Zip Code	Area Code/Phone Number
Carlos Vidueira			
J. Douglas Holladay			
Mark Davis			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

Name	Mailing Address	Office(s) Held & Term	Date(s) of Membership
CEO Forum	640 Chapel Hill Drive, Colorado Springs, CO 80920	None	3/2007 - Current
YPO / WPO International	600 E. Las Colinas Boulevard #1000 Irving, TX 75039	None	6/2005 - Current

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ■ If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ■ No ☐

RECEIVED
DEPARTMENT OF STATE
2013 FEB 13 AM 9:59
DIVISION OF ELECTIONS
TALLAHASSEE, FL

CERTIFICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before me, the undersigned Notary Public of Florida, personally appeared HARRY WAYNE HUIZENGA, JR.,
who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

H. Wayne Huizenga Jr.
Signature of Applicant-Affiant

Sworn to and subscribed before me this 12th day of February, 2013.

Sylvia Carrizales
Signature of Notary Public-State of Florida

SYLVIA CARRIZALES
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: MARCH 23, 2015

Personally Known ■ **OR** Produced Identification ☐

Type of Identification Produced _____

SYLVIA CARRIZALES
MY COMMISSION # EE 045741
EXPIRES: March 23, 2015
Bonded Thru Notary Public Underwriters

(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

☐ Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.)_____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OFANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

A black and white copy of this document is not official

960

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Ned C. Lautenbach

is duly appointed a member of the

Board of Governors of the State University System

for a term beginning on the
Tenth day of January, A.D., 2013,
until the Sixth day of January, A.D., 2019
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Fourth day of February, A.D., 2013.

Ken Detzner

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8½ x 11" document.

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2013 JAN 15 PM 4:34
DIVISION OF ELECTIONS
TALLAHASSEE, FL

January 11, 2013

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Article IX, Sec. 7, FL Constitution:

Mr. Ned C. Lautenbach
1801 Galleon Drive
Naples, Florida 34102

as a member of the Board of Governors of the State University System, succeeding Joseph L. Caruncho, subject to confirmation by the Senate. This appointment is effective January 10, 2013, for a term ending January 6, 2019.

Sincerely,

Rick Scott
Governor

RS/kb

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 488-2272 • FAX (850) 922-4292

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.
Please type or print in blue or black ink.

Date Completed

1. Name: Mr./Mrs./Ms. Lautenbach (Last) Ned (First) Charles (Middle/Maiden)

2. Business Address: None
Street Office # City
None
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 1801 Galleon Drive (Street) Naples (City) Collier (County)
None
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business ☐ Residence ☒ Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
1801 Galleon Drive	Naples, FL	2003	Present
260 Quarterhorse Lane	Fairfield, CT	1993	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
260 Quarterhorse Lane	Fairfield, CT	1993	Present
343 Old Hickory	Fairfield, CT	1981	1993
1133 Wynterhall Lane	Atlanta, GA	1974	1981
16 Pin Oak Drive	Lawrenceville, NJ	1971	1974

5. Date of Birth: 02/02/1944 Place of Birth: Cincinnati, OH

6. Social Security Number:

7. Driver License Number: Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes ☐ No ☒ If "Yes" Explain

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DIVISION OF ELECTIONS
TALLAHASSEE, FL

9. Are you a United States citizen? Yes ☒ No ☐ If "No" explain:

If you are a naturalized citizen, date of naturalization:

10. Since what year have you been a continuous resident of Florida? 1996

11. Are you a registered Florida voter? Yes ☒ No ☐ If "Yes" list:

A. County of Registration: Collier B. Current Party Affiliation: Republican

12. Education

A. High School: Elder High - Cincinnati, OH (Name and Location) Year Graduated: 1962

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
University of Cincinnati	1962-1966	BA Economics
Harvard University	1966-1968	MBA

13. Are you or have you ever been a member of the armed forces of the United States? Yes ☐ No ☒ If "Yes" list:

A. Dates of Service:

B. Branch or Component:

C. Date & type of discharge:

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of $150 or less was paid.) Yes ☐ No ☒ If Yes" give details:

Date	Place	Nature	Disposition

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
Clayton, Dubilier & Rice	Private Equity	Partner	1998-2010
375 Park Avenue			
New York, NY 10152			

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ☐ No ☒
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

30 Years with IBM - Sr. VP Sales & Services

12 Years with Clayton, Dubilier & Rice - Partner

Current: Board Member - Fidelity Investments & Eaton Corporation

Current: Chairman of Board of Directors: Philharmonic Center for the Arts - Naples, FL

Previous: Board Member - Fairfield University (State of CT) / 13 Years

Previous: Board Member - SONY Corporation

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes ☐ No ■ If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes ☐ No ■
If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

Board of Trustees - Fairfield University (State of CT) / 13 Years

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?
Yes ☐ No ■ If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes ☐ No ■ If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

Meetings Attended	Meetings Missed	Reason for Absence

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes ☐ No ☒ If "Yes", give details:

Date	Nature of Violation	Disposition

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes ☐ No ☒ If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes ☒ No ☐ If "Yes", list:

A. Title of Office: Commissioner - FTC

B. Term of Appointment: Oct. 31, 2011 - Sept. 30, 2015

C. Confirmation results: Senate Took No Action

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ☒ If "Yes", explain:

_____

_____

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes ☐ No ☒ If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

License/Certificate Title & Number	Original Issue Date	Issuing Authority	Disciplinary Action/Date

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

Name of Business	Your Relationship to Business	Business' Relationship to Agency

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

Name of Business	Family Member's Relationship to You	Family Member's Relationship to Business	Business' Relationship to Agency

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☐ No ☒

A. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ☐

B. Name of agency or entity you lobbied and the principal(s) you represented:

Agency Lobbied	Principal Represented

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

Name	Mailing Address	Zip Code	Area Code/Phone Number
James McCready -			
Garnett Smith -			
John Blakely			
William Stavropoulos			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

Name	Mailing Address	Office(s) Held & Term	Date(s) of Membership
Council on Foreign Avvairs	1777 F Street NW-Washington, DC	Member	1994-Present
Eaton Corporation	1111 Superior Avenue - Cleveland, OH	Board Member	1997-Present
Fidelity Investments	82 Devonshire Street- Boston, MA	Board Member	2006-Present
Naples Philharmonic Ctr	5833 Pelican Bay Blvd., Naples, FL	Board Chairman	2006-Present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ☒ If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ☒ No ☐

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2013 FEB -1 AM 11:08
DIVISION OF ELECTIONS
TALLAHASSEE, FL

CERTIFICATION

STATE OF FLORIDA
COUNTY OF COLLIER

Before me, the undersigned Notary Public of Florida, personally appeared NED C. LAUTENBACH, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

X Ned C. Lautenbach
Signature of Applicant-Affiant

Sworn to and subscribed before me this 31 day of Jan, 2013.

Signature of Notary Public-State of Florida

RANDALL HERMAN
Notary Public - State of Florida
My Comm Expires Oct 27, 2013
Commission # DD 936549

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known ☐ **OR** Produced Identification ☒

Type of Identification Produced FLDL.

(seal)

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

☐ Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.)_____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OFANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

A black and white copy of this document is not official

3015

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Leslie Pantin

is duly appointed a member of the

Board of Trustees,
Florida State University

for a term beginning on the
Seventeenth day of January, A.D., 2013,
until the Sixth day of January, A.D., 2018
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Twenty-Seventh day of February, A.D., 2013.

Ken Detzner

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.
"State of Florida" appears in small letters across the face of this 8½ x 11" document.
The original document has a reflective line mark in paper. Hold at an angle to view when checking.

STATE UNIVERSITY SYSTEM of FLORIDA
Board of Governors

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

January 31, 2013

Mr. Leslie Victor Pantin
741 Sunset Road
Coral Gables, Florida 33143

Dear Mr. Pantin:

On Thursday, January 17, 2013, the Florida Board of Governors approved the recommendation made by its Trustee Nominating and Development Committee to appoint you as a member of the Florida State University Board of Trustees. Please accept our congratulations.

The appointment acknowledges your record of public service and numerous career milestones. Your achievements are sure to provide expertise to the State University System of Florida and Florida State University as you serve in the capacity of a trustee. The appointment, subject to confirmation by the Florida Senate, and your attendance of a System orientation session conducted by the Board of Governors, is for a five year term that began January 17, 2013 and ends on January 6, 2018.

Your role as a trustee is vital to the governance and success of our System. Members of the Board of Governors rely on all the university trustees to provide due diligence in their management responsibilities for our universities.

Thank you for your willingness to serve. We look forward to working with you as a member of the Florida State University Board of Trustees.

Sincerely,

Frank T. Brogan
Chancellor

c: Dean Colson, Chair, Board of Governors
Mori Hosseini, Chair, Trustee Nominating and Development Committee
Allan Bense, Chair, Board of Trustees
Eric Barron, President, Florida State University
Liz Maryanski, Board of Trustees Liaison
Monoka Venters, Corporate Secretary

STATE UNIVERSITY SYSTEM of FLORIDA
Board of Governors

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

2013 FEB 14 AM 10: 03
DIVISION OF ELECTIONS

February 11, 2013

MEMORANDUM

To: Ms. Inez Williams

From: Monoka Venters
Corporate Secretary

Subject: Appointments to the University Boards of Trustees by the Board of Governors, January 17, 2013

This is to advise you that the Board of Governors approved the following appointments to the University Boards of Trustees, on Thursday, January 17, 2013.

To the Florida Atlantic University Board of Trustees: Mr. Thomas Workman, Jr. was reappointed for a second term ending January 6, 2018, to the seat which he previously held.

To the Florida Gulf Coast University Board of Trustees: Mr. John Dudley Goodlette was appointed for a term ending January 6, 2018, to the seat previously held by Mr. Doug St. Cerny.

To the Florida State University Board of Trustees: Mr. Leslie Victor Pantin was appointed for a term ending January 6, 2018, to the seat previously held by Mr. James Kinsey.

To the New College of Florida Board of Trustees: Mr. George Arthur Skestos was appointed for a term ending January 6, 2018, to the seat which he previously held.

To the University of North Florida Board of Trustees: Mr. Fred D. Franklin was reappointed for a second term ending January 6, 2018, to the seat which he previously held.

To the University of South Florida Board of Trustees: Mr. Stanley I. Levy was appointed for a term ending January 6, 2018, to the seat previously held by Mr. Gene Engle.

To the University of West Florida Board of Trustees: Ms. Suzanne Lewis was appointed for a term ending January 6, 2018, to the seat previously held by Gen. Charles A. Horner

Attached are copies of the letters from Chancellor Frank T. Brogan.

Thank you for your assistance in processing these appointments for their Senate confirmation. Please call me if you need additional information.

MV/ml

Enclosures

103658

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.
Please type or print in blue or black ink.

2/22/13
Date Completed

1. Name: PANTIN Leslie VICTOR
(Mr./Mrs./Ms.) Last First Middle/Maiden

2. Business Address: 89 N.E. 27 ST, #119 MIAM
Street Office # City
FL 33137 305 929-9726
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 741 SUNSET ROAD CORALGABLES, MIAMI DADE
Street City County
FL 33143 305 666-3071
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business ☐ Residence ☒ Fax # _____ (optional)

4. A. List all your plaees of residence for the last five (5) years.

Address	City & State	From	To
741 SUNSET ROAD	CORALGABLES, FL	1993 -	PRESENT

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
NONE			

5. Date of Birth: 9-8-48 Place of Birth: HAVANA, CUBA

6. Social Security Numbe

7. Driver License Number Issuing State: FL.

8. Have you ever used or been known by any other legal name? Yes ☐ No ☒ If "Yes" Explain

9. Are you a United States citizen? Yes ☒ No ☐ If "No" explain:

If you are a naturalized citizen, date of naturalization: 2/3/1971

10. Since what year have you been a continuous resident of Florida? 1960

11. Are you a registered Florida voter? Yes ☒ No ☐ If "Yes" list:

A. County of Registration: MIAMI-DADE B. Current Party Affiliation: Republican

12. Education

A. High School: Columbus H.S. Miami Year Graduated: 1966
(Name and Location)

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
St. Gregory's Oklahoma	66-68	Assoc of Buss
Florida State Univ	68-70	Bachelor of Science

13. Are you or have you ever been a member of the armed forces of the United States? Yes ☐ No ☒ If "Yes" list:

A. Dates of Service:

B. Branch or Component:

C. Date & type of discharge:

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of $150 or less was paid.) Yes ☐ No ☒ If Yes" give details:

Date	Place	Nature	Disposition

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
BSG 59 NE 27 ST. #119 MIAMI, FL 33137	Adv Agency	Pres / Partner / Beach	2000-Pres

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ☒ No ☐
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment
Mail Clerk (part time)	Dept of Ins. Florida	1969-1970

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

TRUSTEE @ FLORIDA STATE UNIV 2005-2011
CHAIR BOARD BARRY UNIVERSITY 1999 - 2005
TRUSTEE MIAMI-DADE COLLEGE 1992 - 1993
ORANGE BOWL COMMITTEE - PAST PRES FY97/98

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes ☐ No ☒ If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes ☒ No ☐
If "Yes", list:

CIRCLE OF GOLD FSU
SLIGER MEDAL "

D. Identify all association memberships and association offices held by you that relate to this appointment:

PAST TRUSTEE @ FSU 5 years
FLORIDA STATE:
PAST V.P ALUMNI ASSOC
PAST BOARD MEMB SEMINOLE BOOSTER
" " " FSU FOUNDATION

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?
Yes ☐ No ☒ If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes ☑ No ☐ If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government
TRUSTEE	1992-1993	2 yr	MIAMI DADE College
COMM. COMMITTE	2006-2011	5	CITY OF Coral Gables
MBR	1979-1981	2	Civil Serv/City of Miami
TRUSTEE	2005-2011	5 yr	FLORIDA STATE UNIV

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: 6 TIMES A YEAR (FSU)

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

Meetings Attended	Meetings Missed	Reason for Absence
PERFECT ATTENDANCE		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes ☐ No ☒ If "Yes", give details:

Date	Nature of Violation	Disposition

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes ☐ No ☒ If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes ☒ No ☐
If "Yes", list:

A. Title of Office: TRUSTEE FLORIDA STATE UNIV

B. Term of Appointment: 2005-2011

C. Confirmation results: POSITIVE

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ☒ If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes ☒ No ☐
If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

License/Certificate Title & Number	Original Issue Date	Issuing Authority	Disciplinary Action/Date
INSURANCE AGENT	1972	INS. DEPT FLORIDA	NONE

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

Name of Business	Your Relationship to Business	Business' Relationship to Agency

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

Name of Business	Family Member's Relationship to You	Family Member's Relationship to Business	Business' Relationship to Agency

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☐ No ☒

A. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ☐

B. Name of agency or entity you lobbied and the principal(s) you represented:

Agency Lobbied	Principal Represented

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

Name	Mailing Address	Zip Code	Area Code/Phone Number
ARNALDO CODINA			
DEAL COLSON			
RAUL CASTRO			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

Name	Mailing Address	Office(s) Held & Term	Date(s) of Membership
KIWANIS LITTLE HAVANA	1406 SW 1ST MIAMI, FL 33135	PAST PRES	
ORANGE BOWL COMM.	14360 NW 77 CT. MIAMI, 33016	" "	
RONALD McDONALD HOUSE	1145 NW 14 ST MIAMI 33136	BOARD MBR	
GOODWILL	2121 NW 21 ST MIAMI 33142	TRUSTEE	
GR. MIAMI CHAMBER	1601 BISCAYNE BLV. 33131	BOARD MBR	

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ☒ If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ☒ No ☐

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DEPARTMENT OF STATE

CERTIFICATION

2013 FEB 27 AM 9:33

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared LESLIE PARTIN,
who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Signature of Applicant-Affiant

Sworn to and subscribed before me this 22nd day of February, 2013.

Signature of Notary Public-State of Florida

Elaine Silverstein
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: March 30 2014

Personally Known ☒ **OR** Produced Identification ☐

Type of Identification Produced _____

ELAINE SILVERSTEIN
MY COMMISSION # DD 953600
EXPIRES: March 30, 2014
Bonded Thru Notary Public Underwriters

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2013 FEB 27 AM 9:33
DIVISION OF ELECTIONS
TALLAHASSEE, FL

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

☐ Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.)_____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OFANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

A black and white copy of this document is not official.

3025

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Cesar L. Alvarez

is duly appointed a member of the

Board of Trustees,
Florida International University

for a term beginning on the
Eighth day of February, A.D., 2013,
until the Sixth day of January, A.D., 2018
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Seventh day of March, A.D., 2013.

Ken Detzner

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8½ x 11" document.

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2013 FEB 12 PM 4:22
DIVISION OF ELECTIONS
TALLAHASSEE, FL

February 8, 2013

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 1001.71, Florida Statutes:

Mr. Cesar L. Alvarez
333 Southeast 2nd Avenue
44th Floor
Miami, Florida 33131

as a member of the Board of Trustees, Florida International University, subject to confirmation by the Senate. This appointment is effective February 8, 2013, for a term ending January 6, 2018.

Sincerely,

Rick Scott
Governor

RS/kb

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 488-2272 • FAX (850) 922-4292

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation.
The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.
Please type or print in blue or black ink.

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13 MAR 7 AM 9:49
DIVISION OF ELECTIONS
SECRETARY OF STATE

March 6, 2013
Date Completed

1. Name: Mr. Alvarez Cesar Licinio
   Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 333 S.E. 2nd Ave., 44th FL Miami
   Street Office # City
   Florida 33131 305-579-0668
   Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 6425 S.W. 84 Street Miami Miami-Dade
   Street City County
   Florida 33143 305-903-0128
   Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business ■ Residence ☐ Fax # 305-961-5329 (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
6425 S.W. 84 Street	South Miami, FL 33143	2012 to Present	
3341 Poinciana Avenue	Miami, FL 33133	2004 to 2012	
700 Alhambra Circle	Coral Gables, FL	1986 to 2004	

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
NONE			

5. Date of Birth: June 17, 1947 Place of Birth: Havana, Cuba

6. Social Security Number:

7. Driver License Number: Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes ☐ No ■ If "Yes" Explain

9. Are you a United States citizen? Yes ■ No ☐ If "No" explain:

If you are a naturalized citizen, date of naturalization: 1973

10. Since what year have you been a continuous resident of Florida? 1960

11. Are you a registered Florida voter? Yes ■ No ☐ If "Yes" list:

A. County of Registration: Miami Dade County B. Current Party Affiliation: Independent

12. Education

A. High School: North Miami Senior High (Name and Location) Year Graduated: 1965

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
University of Florida	1965 - 1969	BA - Economics and Finance
University of Florida	1969	MBA - Finance
University of Florida	1970 - 1972	JD - Jurisdoctor

13. Are you or have you ever been a member of the armed forces of the United States? Yes ☐ No ■ If "Yes" list:

A. Dates of Service:

B. Branch or Component:

C. Date & type of discharge:

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of $150 or less was paid.) Yes ☐ No ■ If Yes" give details:

Date	Place	Nature	Disposition

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
Greenberg Traurig, LLP	Law Firm	Executive Chairman	2010 to Present
Greenberg Traurig, LLP	Law Firm	Chief Executive Officer	1997 to 2010

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ☐ No ■
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have been a trustee of Miami-Dade College (Miami, FL) and a trustee of Florida International University (Miami, FL) for many years as well as for other colleges and law schools (see bio attached). I have a keen interest in education because in my view it is the only silver bullet to improve our communities. My interest is to make sure we educate the children of FL for the jobs that FL will have in the future. A one size fits all educational experience is not what we need. Certain students have aptitudes that do not require a college education and we need to recognize them and give them the right skills for their talents.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes ☐ No ■ If "Yes", list:

No, however, I have significant personal experience on the subject. (See Bio Attached)

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes ☐ No ■
If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

None, but in addition, see my Bio attached.

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government?
Yes ☐ No ■ If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes ☐ No ■ If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: N/A

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

Meetings Attended	Meetings Missed	Reason for Absence
N/A		

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes ☐ No ■ If "Yes", give details:

Date	Nature of Violation	Disposition
N/A		

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes ☐ No ■ If "Yes", list:

A. Title of office: N/A

B. Date of suspension: N/A

C. Reason for suspension: N/A

D. Result: Reinstated ☐ Removed ☐ Resigned ☐

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes ■ No ☐ If "Yes", list:

A. Title of Office: Trustee - Florida International University and Trustee - Miami-Dade College

B. Term of Appointment: 4 year appointments

C. Confirmation results: Appointed

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ■ If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes ☐ No ☐ If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

License/Certificate Title & Number	Original Issue Date	Issuing Authority	Disciplinary Action/Date
Law License #154402	May 1, 1973	The Florida Bar	None

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ■ No ☐ If "Yes", explain:

Name of Business	Your Relationship to Business	Business' Relationship to Agency
Greenberg Traurig, LLP	Chief Executive Officer	Legal and Lobbying Services
Greenberg Traurig, LLP	Executive Chairman	Legal and Lobbying Services

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ■ If "Yes", explain:

Name of Business	Family Member's Relationship to You	Family Member's Relationship to Business	Business' Relationship to Agency
N/A			

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☐ No ■

A. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ■

B. Name of agency or entity you lobbied and the principal(s) you represented:

Agency Lobbied	Principal Represented
N/A	

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

Name	Mailing Address	Zip Code	Area Code/Phone Number
Mike Fernandez			
Dr. Philip Frost			
Remedios Diaz-Oliver			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

Name	Mailing Address	Office(s) Held & Term	Date(s) of Membership
See Bio Attached			

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ■ If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ■ No ☐

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Miami-Dade

Before me, the undersigned Notary Public of Florida, personally appeared Cesar L. Alvarez, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Cesar L. Alvarez
Signature of Applicant-Affiant

Sworn to and subscribed before me this 6th day of March, 2013.

Francine A. Sanner
Signature of Notary Public-State of Florida

FRANCINE ANN SANNER
Commission # EE 162779
Expires February 21, 2016
Bonded Thru Troy Fain Insurance 800-385-7019

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

(seal)

GT GreenbergTraurig

people
biography

Back to People Search

Cesar L. Alvarez

Executive Chairman

Download vCard

Full Biography

Experience

Corporate & Securities

Mergers & Acquisitions

Education

J.D., with highest honors, University of Florida Levin College of Law, 1972

M.B.A., University of Florida, 1970

B.S., University of Florida, 1969

A.A., Miami-Dade Community College, 1967

Admitted to Practice

Florida

Languages

Spanish, Fluent

Profile | News & Events

Cesar L. Alvarez became the Executive Chairman of Greenberg Traurig on January 27, 2010. Prior to this time, Cesar served the firm as its Chief Executive Officer for 13 years. He began his tenure as CEO in 1997 when the firm had 325 lawyers in eight offices and directed the firm through its growth to approximately 1850 attorneys and government professionals in more than 30 locations in the United States, Europe and Asia, including strategic alliances in Milan and Rome, Italy. The firm has been recognized as the fastest growing law firm in the United States over the last five years and is the 7th largest law firm in the country. In addition, Chambers and Partners, world leaders in client-led intelligence on the legal profession, through a panel of independent judges, selected Greenberg Traurig as "2007 U.S. Law Firm of the Year." In 2008, Cesar was honored by Chambers and Partners with its "Lifetime Achievement Award" and by the American Bar Association with their "Spirit of Excellence Award." Prior to becoming CEO of the firm, Cesar practiced securities, corporate and international law for more than 25 years. He has represented numerous public companies and serves on the board of directors of several publicly-traded corporations and charitable organizations. Cesar has been recognized nationally and in his community for his professional, business and charitable leadership. Cesar has been recognized as one of the "100 Most Influential Lawyers in America," *The National Law Journal* in 1997, 2000 and 2006 (the last 3 editions), one of the top most powerful Hispanics by *Poder* Power Issue, and "The 25 Best Latinos in Business," *Hispanic Magazine*'s Power Issue, both in 2008.

Professional & Community Involvement

Board of Directors, Start Kids Bright, Inc. f/k/a National Center for Excellence in Early Education, Inc.

Board of Directors, Kozyak Minority Mentoring Foundation, 2011 to Present

Board of Directors, Take Stock in Children, 2011 to ~~Present~~ 2012

Chair, Commission on Hispanic Legal Rights and Responsibilities, American Bar Association, 2010

Trustee, Florida International University, 2008 to Present

Chair, Florida International University College of Law, Advisory Board

Privacy settings

Vice Chairman, Trustee and Chair of Audit Committee, John S. and James L. Knight Foundation, 2000 - 2012

Trustee, University of Florida Levin College of Law, 2006 - 2011

Member, University of Miami School of Law Visiting Committee, 2009 to Present

Trustee, Miami Dade College, 2005 - 2007

Board of Directors, Florida International University Foundation, 1998 - 2008

Trustee, Manhattanville College, New York, 2002 - 2007

Board of Directors, National Council of La Raza

Member, The Florida Council of 100

Member, Advisory Council, United Way of Miami-Dade

Chairman, Board of Directors, United Way of Miami-Dade, 2003 - 2005

Campaign Chair, United Way of Miami-Dade, 2001 - 2002

Member, Miami Business Forum (Non Group)

Trustee, Florida Free Trade Area of the Americas

Trustee, National Foundation for Advancement in the Arts

Participant, Guardian Ad Litem Program, Miami-Dade County

Chair, Mesa Redonda, South Florida Hispanic Business Group, 2001 - 2004

Board of Directors, Holocaust Documentation & Education Center, Inc., 2004 - 2007

Member, Executive Committee for Cuban Detainees in Guantanamo

Member, American Bar Association

Member, Cuban American Bar Association

Former Chairman, Securities Committee of The Florida Bar

Awards & Recognition

Listed, *The Legal 500 Latin America*, Corporate and M&A, 2012

Listed, *The Best Lawyers in America*, Corporate Law - International Trade and Finance Law, 1993-2013

"Lawyer of the Year," Miami International Trade and Finance Law, 2013

Listed, *Super Lawyers* magazine, *Florida Super Lawyers*, 2006-2012

Listed, one of the "75 Most Influential Hispanics in 2010," *Poder Hispanic Magazine*, December/January 2011

Recipient, The Scopus Award, American Friends of the Hebrew University, July 2010

Recipient, "Business Leader of the Year," Legal Category, *South Florida Business Leader* magazine, 2010

Recipient, "Tocqueville Award for Outstanding Philanthropy," presented by the United Way of Miami-Dade Tocqueville Society, March 2009

Recipient, "Lifetime Achievement Award," *Chambers USA Awards for Excellence,* 2008

Privacy settings

Recipient, "President's Award of Merit" for steadfast dedication to diversity, The Florida Bar, May 2008

Recognized as one of the "50 Most Influential Minority Lawyers in America," *The National Law Journal*, May 2008

Recognized as one of the "25 Best Latinos in Business," *Hispanic Magazine,* The Power Issue, February 2008

Recognized as one of the "Top Most Powerful Hispanics," *The Black Book of Poder*, 2008 Special Edition

Recipient, Spirit of Excellence Award, 2008 presented by the American Bar Association

Listed, one of "South Florida's Top Lawyers," *South Florida Legal Guide*, 2011 and 2012

Listed, *Chambers & Partners USA Guide*, an annual listing of the leading business lawyers and law firms in the world, 2007-2008 edition

Listed, *Lawdragon 3000*, "Leading Lawyers in America," 2006

Recipient, "CEO of the Year" award, *MultiCultural Law* Magazine, 2006

Recognized, "100 Most Influential Lawyers in America," *The National Law Journal*, 1997, 2000 and 2006 (Last Three Editions)

Selected, *South Florida CEO Magazine*, Power Issue, April 2005

Recognized, "Miami's New Power Players and the List of the Top 100 Most Powerful Players," *Ocean Drive - En Español*, June 2005

Recognized, "Top Managing Partner," Legal Elite issue of *Florida Trend Magazine*, 2004 - 2006 and 2008

Listed, 2004 and 2005 Legal Elite, *Florida Trend* Magazine, listing of Florida's top attorneys as selected by their peers

Recipient, FIU Medallion, Florida International University, 2005

Recipient, *South Florida Business Journal's* Diversity Works! Advocate-Individual Award, February 2004

Inducted, Miami-Dade Community College Hall of Fame, 2003

Recognized, "The Power Dozen: The Most Influential Business People in Miami-Dade County," *The Miami Herald*, December 2003

Recognized, "The 100 Most Powerful Latinos," *Poder Magazine* (International Edition), 2003 and 2004

Recognized as one of the 50 most powerful people in South Florida, *Poder Magazine*, The Power Issue (Miami Edition), 2003 and 2004

Recipient, South Florida Ultimate CEO Award, *South Florida Business Journal*, 2004

Recipient, New American Award, presented by the Archdiocese of Miami, Inc., 2003

Recipient, Silver Medallion for Service to Humanity Award, 2003, presented by The National Conference for Community and Justice (formally National Conference of Christians and Jews)

Recognized, "100 Most Powerful People in South Florida," *South Florida CEO Magazine*, December 2002

Recipient, Attorney of the Year Award, 2001, presented by the Hispanic National Bar Association

Privacy settings

Recognized, "100 Most Powerful People in Miami," *Miami Business Magazine*, 2001

Recognized, "100 Most Influential Hispanics," *Hispanic Business*, 1996 and 1998

Recipient, Humanitarian of the Year Award, 1997, presented by the Women's International Zionist Organization

Recipient, Golden Castanets Award, 2002 presented by Ballet Hispanico

Recipient, Pro-Bono Award, presented by the Cuban-American Bar Association

Rated, AV® Preeminent™ 5.0 out of 5

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+Greenberg Traurig's Mexico City office is operated by Greenberg Traurig, S.C., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP

^Greenberg Traurig's Tel Aviv office is a branch of Greenberg Traurig, P.A., Florida, USA.

~Greenberg Traurig's Warsaw office is operated by Greenberg Traurig Grzesiak sp.k., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. Certain partners in Greenberg Traurig Grzesiak sp.k. are also shareholders in Greenberg Traurig, P.A. Click here for the Legal Notice under the Polish Commercial Companies' Code.

Privacy settings

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13 MAR -7 AM 9:50
DIVISION OF ELECTIONS
SECRETARY OF STATE

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

☐ Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.)_____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OFANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

A black and white copy of this document is not official

3030

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

George A. Skestos

is duly appointed a member of the

Board of Trustees,
New College of Florida

for a term beginning on the
Seventeenth day of January, A.D., 2013,
until the Sixth day of January, A.D., 2018
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Twelfth day of March, A.D., 2013.

Ken Detzner

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8½ x 11" document.

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

STATE UNIVERSITY SYSTEM of FLORIDA
Board of Governors

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

2013 FEB 14 AM 10: 03
DIVISION OF ELECTIONS

January 31, 2013

Mr. George Arthur Skestos
60 Lighthouse Point Drive
Longboat Key, Florida 34228

Dear Mr. Skestos:

On Thursday, January 17, 2013, the Florida Board of Governors approved the recommendation made by its Trustee Nominating and Development Committee to appoint you as a member of the New College of Florida Board of Trustees. Please accept our congratulations.

The appointment acknowledges your record of public service and numerous career milestones. Your achievements are sure to provide expertise to the State University System of Florida and New College of Florida as you serve in the capacity of a trustee. The appointment, subject to confirmation by the Florida Senate, and your attendance of a System orientation session conducted by the Board of Governors, is for a five year term that began January 17, 2013 and ends on January 6, 2018.

Your role as a trustee is vital to the governance and success of our System. Members of the Board of Governors rely on all the university trustees to provide due diligence in their management responsibilities for our universities.

Thank you for your willingness to serve. We look forward to working with you as a member of the New College of Florida Board of Trustees.

Sincerely,

Frank T. Brogan
Chancellor

c: Dean Colson, Chair, Board of Governors
Mori Hosseini, Chair, Trustee Nominating and Development Committee
William R. Johnston, Chair, Board of Trustees
Donal O'Shea, President, New College of Florida
Suzanne Janney, Board of Trustees Liaison
Monoka Venters, Corporate Secretary

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2013 FEB 14 AM 10: 03
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

February 11, 2013

MEMORANDUM

To: Ms. Inez Williams

From: Monoka Venters
Corporate Secretary

Subject: Appointments to the University Boards of Trustees by the Board of Governors, January 17, 2013

This is to advise you that the Board of Governors approved the following appointments to the University Boards of Trustees, on Thursday, January 17, 2013.

To the Florida Atlantic University Board of Trustees: Mr. Thomas Workman, Jr. was reappointed for a second term ending January 6, 2018, to the seat which he previously held.

To the Florida Gulf Coast University Board of Trustees: Mr. John Dudley Goodlette was appointed for a term ending January 6, 2018, to the seat previously held by Mr. Doug St. Cerny.

To the Florida State University Board of Trustees: Mr. Leslie Victor Pantin was appointed for a term ending January 6, 2018, to the seat previously held by Mr. James Kinsey.

To the New College of Florida Board of Trustees: Mr. George Arthur Skestos was appointed for a term ending January 6, 2018, to the seat which he previously held.

To the University of North Florida Board of Trustees: Mr. Fred D. Franklin was reappointed for a second term ending January 6, 2018, to the seat which he previously held.

To the University of South Florida Board of Trustees: Mr. Stanley I. Levy was appointed for a term ending January 6, 2018, to the seat previously held by Mr. Gene Engle.

To the University of West Florida Board of Trustees: Ms. Suzanne Lewis was appointed for a term ending January 6, 2018, to the seat previously held by Gen. Charles A. Horner

Attached are copies of the letters from Chancellor Frank T. Brogan.

Thank you for your assistance in processing these appointments for their Senate confirmation. Please call me if you need additional information.

MV/ml

Enclosures

103665

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation.
The questionnaire MUST BE COMPLETED IN FULL. Answer "none" or "not applicable" where appropriate.
Please type or print in blue or black ink.

RECEIVED
13 FEB 28 AM 9:58
DIVISION OF ELECTIONS
SECRETARY OF STATE

February 25, 2013
Date Completed

1. Name: Mr. | Skestos | George | Arthur
   Mr./Mrs./Ms. | Last | First | Middle/Maiden

2. Business Address: 2700 E. Dublin Granville Rd | Suite 300 A | Columbus
   Street | Office # | City
   Ohio | 43231 | (614) 898-7200
   Post Office Box | State | Zip Code | Area Code/Phone Number

3. Residence Address: 60 Lighthouse Point Drive | Longboat Key | Sarasota
   Street | City | County
   Florida | 34228 | (941) 383-5444
   Post Office Box | State | Zip Code | Area Code/Phone Number

Specify the preferred mailing address: Business ☐ Residence ■ Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
60 Lighthouse Point Drive	Longboat Key, FL	1999	Present
31 South Columbia Avenue	Columbus, OH	1978	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
31 South Columbia Avenue	Columbus, OH	1978	Present
5869 Whitman Drive	Columbus, OH	1964	1978

5. Date of Birth: 02/20/28 Place of Birth: Owosso, Michigan

6. Social Security Number: _____

7. Driver License Number _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes ☐ No ■ If "Yes" Explain

9. Are you a United States citizen? Yes ■ No ☐ If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 2012

11. Are you a registered Florida voter? Yes ■ No ☐ If "Yes" list:

A. County of Registration: Sarasota B. Current Party Affiliation: Republican

12. Education

A. High School: Owosso High School, Owosso, Michigan (Name and Location) Year Graduated: 1944

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
University of Michigan	1948 -- Bachelor of Arts and Sciences	
University of Michigan	1950 -- Master Degree in Business	
University of Michigan	1950 -- Law Degree	

13. Are you or have you ever been a member of the armed forces of the United States? Yes ■ No ☐ If "Yes" list:

A. Dates of Service: August 1953 - September 1956

B. Branch or Component: Navy

C. Date & type of discharge: Honorable

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of $150 or less was paid.) Yes ■ No ☐ If Yes" give details:

Date	Place	Nature	Disposition
1970s	Columbus, Ohio	Assault	Dismissed with prejudice

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

Employer's Name & Address	Type of Business	Occupation/Job Title	Period of Employment
Retired			

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ☐ No ■
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

Position	Employing Agency	Period of Employment

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Trustee for The Ohio State University, Columbus, Ohio 1992-2001

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes ☐ No ■ If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes ☐ No ■ If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

See attached - Selective Community and Charitable Service

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes ☐ No ■ If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes ☐ No ■ If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title	Date of Election or Appointment	Term of Office	Level of Government

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

Meetings Attended	Meetings Missed	Reason for Absence

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes ☐ No ■ If "Yes", give details:

Date	Nature of Violation	Disposition

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes ☐ No ■ If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes ■ No ☐
If "Yes", list:

A. Title of Office: Trustee - New College

B. Term of Appointment: 6 mos.

C. Confirmation results: positive

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ■ If "Yes", explain:

_____

_____

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes ☐ No ■
If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

License/Certificate Title & Number	Original Issue Date	Issuing Authority	Disciplinary Action/Date

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ■ If "Yes", explain:

Name of Business	Your Relationship to Business	Business' Relationship to Agency

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ■ If "Yes", explain:

Name of Business	Family Member's Relationship to You	Family Member's Relationship to Business	Business' Relationship to Agency

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☐ No ■

A. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ☐

B. Name of agency or entity you lobbied and the principal(s) you represented:

Agency Lobbied	Principal Represented

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

Name	Mailing Address	Zip Code	Area Code/Phone Number
Congressman Vern Buchanan.			
John Saputo			
Edward H. Jennings			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

Name	Mailing Address	Office(s) Held & Term	Date(s) of Membership
see attached - Selective Community and Charitable Service			

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ■ If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ■ No ☐

George Arthur Skestos - Selective Community and Charitable Service

Member of the Board of Trustees of The Ohio State University. 1992-2001

Member of the Board of The Ohio State University Hospital, 1992-present

Chairman of The Ohio State University Hospital East Board, present

Chairman, Task Force to build The Ohio State University's Schottenstein/Value City Arena and to renovate Ohio State's football stadium

Member of the Board of Trustees for CAPA (Columbus Association for the Performing Arts)

Founder, Salem Lutheran Foundation, established in 1968 to provide scholarships to young men studying to become pastors for the Wisconsin Synod Lutheran Church

Founder, Prince of Peace Foundation, established to assist the homeless and underprivileged

Board of Trustees, Columbus Museum of Art

Member of the Board of Huntington National Bank and Huntington Bancshares, Inc.

Member of the Board of Central Benefits

Member of the Board of Wexner Center for the Arts Foundation

Member of the Board of Directors of Midland Insurance

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DIVISION OF ELECTIONS
TALLAHASSEE, FL

CERTIFICATION

STATE OF FLORIDA
COUNTY OF SARASOTA

Before me, the undersigned Notary Public of Florida, personally appeared GEORGE SKESTOS, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Signature of Applicant-Affiant

Sworn to and subscribed before me this 11th day of March, 2013.

Gloria Schroeder
Signature of Notary Public-State of Florida

GLORIA SCHROEDER
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 4/3/2016

Personally Known ☒ **OR** Produced Identification ☐

Type of Identification Produced _____

Notary Public State of Florida
Gloria Schroeder
My Commission EE 186312
Expires 04/03/2016

(seal)

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13 FEB 28 AM 9:58
DIVISION OF ELECTIONS
SECRETARY OF STATE

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

☐ Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.)_____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OFANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

CourtSmart Tag Report

Room: KN 412 **Case:** **Type:**
Caption: Senate Education Committee **Judge:**

Started: 4/1/2013 3:20:40 PM
Ends: 4/1/2013 5:55:58 PM Length: 02:35:19

3:20:43 PM	Meeting called to order
3:20:53 PM	Roll call
3:20:59 PM	Quorum is present
3:21:24 PM	Confirmation Hearings
3:22:22 PM	Roll call on the Confirmation Hearings
3:23:10 PM	SB 154
3:23:18 PM	PCS - Motion Adopted
3:23:32 PM	LA, Charlie Anderson to present the bill
3:23:48 PM	Charlie Anderson to close the bill
3:24:04 PM	CS/SB 154 - Passes
3:24:23 PM	SB 226 - Senator Ring
3:24:31 PM	LA, Stephanie Gioletto, to present the bill
3:24:49 PM	Late-filed Amendment #847706 Withdrawn
3:25:42 PM	Late-filed Amendment #109392 - Senator Montford
3:26:04 PM	Amendment – Adopted
3:26:22 PM	Late-filed Amendment #578376 – Senator Montford
3:26:50 PM	Amendment - Adopted
3:27:05 PM	Senator Brandes commenting
3:27:15 PM	Senator Brandes debating
3:28:27 PM	Senator Montford debating
3:29:11 PM	PCS - Motion Adopted
3:29:46 PM	CS/SB 226 – Passes
3:29:55 PM	SB 158 - Senator Hays
3:30:32 PM	Senator Bullard questioning
3:31:31 PM	Lisa Bacot, Executive Director, Florida Public Transportation Association
3:32:06 PM	SB 158 - Passes
3:32:37 PM	SB 1302 - Senator Garcia
3:32:45 PM	LA, A.J. D'Amico to present the bill
3:33:47 PM	Senator Bullard questioning
3:34:39 PM	A.J. D'Amico to close the bill
3:34:54 PM	SB 1302 - Passes
3:35:04 PM	CS/SB 1718 - Senator Flores/Community Affairs
3:35:26 PM	LA, Patricia Flores, to present the bill
3:35:57 PM	CS/SB 1718 - Passes
3:36:23 PM	SB 1280 - Senator Sachs
3:37:12 PM	Senator Sachs to close the bill
3:37:29 PM	SB 1280 - Passes
3:37:40 PM	SB 1388 - Senator Montford
3:37:55 PM	Strike-all Amendment introduced without objection
3:38:05 PM	Strike-all Amendment #555354 - Senator Montford
3:40:26 PM	Bob Boyd, Attorney
3:41:28 PM	Amendment - Adopted
3:41:43 PM	Senator Montford to close on the bill
3:41:50 PM	CS/SB 1388 - Passes
3:42:23 PM	SB 1722 - Senator Legg
3:42:31 PM	PCS #566172 - Senator Legg, without objection – Motion Adopted
3:43:41 PM	CS/SB 1722 - Passes
3:44:33 PM	Discussion of Public Facilities Utilization
3:53:30 PM	SB 1390 - Senator Montford
3:53:53 PM	PCS #133024 - Senator Montford
3:54:03 PM	Without objection, Motion Adopted
3:54:21 PM	Senator Montford to explain the Proposed Committee Substitute

3:56:36 PM	Senator Bullard questioning
3:57:53 PM	Senator Montford responding
3:59:18 PM	Amendment #174548 - Senator Montford
4:00:13 PM	Amendment - Adopted
4:00:23 PM	Jim Horne, AIF and FL Charter School Alliane
4:02:27 PM	Senator Stargel debating
4:03:10 PM	Senator Montford to close the bill
4:03:17 PM	CS/SB 1390 - Passes
4:03:42 PM	SB 1282 - Senator Stargel
4:03:49 PM	PCS #502972, without objection - Motion Adopted
4:04:20 PM	Senator Stargel to exaplin the bill
4:04:34 PM	Senator Bullard questioning
4:05:56 PM	Senator Montford commenting
4:07:54 PM	Senator Sachs questioning
4:08:30 PM	Senator Sachs questioning
4:12:08 PM	Senator Bullard questioning
4:14:12 PM	Senator Legg commenting
4:14:20 PM	Senator Montford commenting
4:16:19 PM	Paused - Lack of Quorum
4:16:31 PM	Resumed - Quorum is present
4:18:22 PM	Tallie L. Gainer III, Teacher 1282
4:20:06 PM	Alan Rosier, School Leader/Principal - 1282
4:22:08 PM	Senator Montford questioning
4:26:31 PM	Jim Horne, AIF and FL Charter School Allaiance
4:30:15 PM	Senator Sachs commenting
4:31:51 PM	Senator Bullard commenting
4:32:47 PM	Senator Bullard debating
4:36:36 PM	Senator Legg comenting
4:36:49 PM	Senator Simmons commenting
4:37:40 PM	Senator Stargel to close the bill
4:38:25 PM	CS/SB 1282 - Passes
4:39:25 PM	SB 862 - Senator Stargel
4:40:45 PM	Amendment #950370 - Withdrawn without objection
4:41:19 PM	Seantor Bullard questioning
4:44:44 PM	Senator Sachs questioning
4:48:51 PM	Senator Brandes questioning
4:49:07 PM	Senator Montford questioning
4:52:19 PM	Senator Simmons questioning
4:54:18 PM	Senator Sachs questioning
4:56:03 PM	Wayne Blanton, FL School Board Association
4:58:04 PM	Terry Wilson, Vice President of Florida Gifted Network
5:01:22 PM	Jason Fisher - School Board Member
5:03:07 PM	Susan Smith - Former Teacher, Parent
5:05:15 PM	SeQuena Napier - Parent
5:07:15 PM	Joseph Gebara - MDCPS Title I Chair, Parent
5:09:09 PM	Alfred Johnson - Pastor, Church of Preparation
5:12:42 PM	Senator Bullard questioning
5:13:50 PM	Sharon Watson - President, Miami-Dade County Council, PTA PTSA
5:15:56 PM	William Hutchinson III – No Title
5:17:48 PM	Enrique Escrollon - Florida PTA
5:18:57 PM	Adam Giery - Florida Chamber of Commerce
5:20:54 PM	Maria Kramer - PTA
5:22:46 PM	Tangela Sears - National Action Network
5:25:58 PM	Kathleen Oropeza - Fund Education Now
5:29:54 PM	Linda Edson - Florida Retired Educators Association
5:30:29 PM	Daryl Flynn - Orange County Public Schools
5:33:33 PM	Christine Moore - Vice Chairman Orange County Public School
5:36:42 PM	Senator Simmons commenting
5:38:34 PM	Karen Winston - Parent
5:41:07 PM	Nicholas Gutierrez, Jr. - Parent
5:43:14 PM	Jeff Wright - Director Public Policy Advocacy
5:45:04 PM	Senator Bullard debating

5:46:32 PM	Senator Benaquisto commenting
5:49:02 PM	Senator Montford debating
5:51:55 PM	Senator Simmons debating
5:55:24 PM	SB 862 - Passes
5:55:35 PM	Meeting adjourned