

SB 396 by Bean (CO-INTRODUCERS) Bradley; (Compare to CS/CS/H 0277) Joint Use of Public School Facilities

867532	A	S	TP	ED, Legg	btw L.64 - 65:	03/18 10:22 AM
324148	SD	S	TP	ED, Legg	Delete everything after	03/18 10:23 AM

SB 514 by Flores; (Compare to CS/H 0313) Gender-Specific School Pilot Project

SB 628 by Montford (CO-INTRODUCERS) Stargel; (Similar to H 0377) Educational Facilities Financing

415382	A	S	TP	ED, Legg	Delete L.103 - 105:	03/18 10:19 AM
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CS/SB 1036 by HP, Grimsley; (Similar to H 1059) Nursing Education Programs

576978	A	S	RCS	ED, Stargel	Delete L.89 - 95:	03/18 10:20 AM
979206	A	S	WD	ED, Stargel	Delete L.367 - 377:	03/17 02:18 PM

SB 1206 by Montford; (Compare to CS/H 0487) Agricultural Industry Certifications

136712	D	S	TP	ED, Montford	Delete everything after	03/18 10:20 AM
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SB 1226 by Montford; (Identical to H 7031) Education

435138	A	S	TP	ED, Montford	Delete L.296 - 298.	03/18 10:20 AM
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SB 1382 by Hays; (Identical to H 1121) Hazardous Walking Conditions

SB 1400 by Latvala; (Compare to H 0035) Postsecondary Student Tuition

142484	PCS	S	RCS	ED		03/18 10:20 AM
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SB 1512 by Stargel (CO-INTRODUCERS) Thrasher, Gardiner, Galvano; (Compare to H 0895) Students with Disabilities

171226	D	S	RCS	ED, Stargel	Delete everything after	03/18 10:20 AM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Legg, Chair
Senator Montford, Vice Chair

MEETING DATE: Tuesday, March 18, 2014
TIME: 8:00 —9:30 a.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
1	SB 396 Bean (Compare CS/CS/H 277)	Joint Use of Public School Facilities; Authorizing each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on school property, to increase the number of joint-use agreements, and to develop and adopt written policies and procedures for an appeal process if negotiations for a joint-use agreement fail; providing immunity from civil liability for a district school board that adopts public access policies or enters into a joint-use agreement except in instances of gross negligence or intentional misconduct, etc. ED 03/18/2014 Temporarily Postponed CA JU	Temporarily Postponed
2	SB 514 Flores (Compare CS/H 313)	Gender-Specific School Pilot Project; Requiring the Department of Education to administer a pilot project in certain school districts in which an elementary school is designated as a Gender-Specific School; requiring school administrators and instructional personnel to participate in certain professional development; providing for funding for pilot project implementation, etc. ED 03/18/2014 Favorable AED AP	Favorable Yeas 9 Nays 0
3	SB 628 Montford (Similar H 377)	Educational Facilities Financing; Revising provisions relating to the financing of independent nonprofit higher educational facilities to include financing for private nonprofit elementary, middle, and secondary schools meeting certain criteria, etc. ED 03/18/2014 Temporarily Postponed AED AP RC	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, March 18, 2014, 8:00 —9:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 1036 Health Policy / Grimsley (Similar H 1059)	Nursing Education Programs; Exempting nurses who are certified by an accredited program from continuing education requirements; revising the limitation on the percentage of clinical training that consists of clinical simulation; authorizing the Board of Nursing to adopt certain rules relating to documenting the accreditation of nursing education programs; requiring nursing education programs that prepare students for the practice of professional nursing to be accredited, etc. HP 03/05/2014 Fav/CS ED 03/18/2014 Fav/CS	Fav/CS Yeas 9 Nays 0
5	SB 1206 Montford (Compare CS/H 487)	Agricultural Industry Certifications; Requiring the Department of Agriculture and Consumer Services to annually provide to the State Board of Education and the Department of Education information and industry certifications for farm occupations to be placed on industry certification funding lists; defining industry certification as part of career education programs; requiring placement on funding lists to determine annual funding distributions to school districts and postsecondary institutions, etc. ED 03/18/2014 Temporarily Postponed AG AED AP	Temporarily Postponed
6	SB 1226 Montford (Identical H 7031, Compare H 367, CS/H 533, H 895, H 4023, H 4025, H 7001, H 7117, CS/S 850, S 1446, S 1642)	Education; Requiring the Auditor General to notify the Legislative Auditing Committee if a district school board fails to take corrective action subsequent to an audit; repealing provisions relating to the Learning Gateway program; revising the definition of the term "Next Generation Sunshine State Standards"; revising Department of Education duties relating to the public broadcasting program system; revising course and assessment requirements for the award of a standard high school diploma, etc. ED 03/18/2014 Temporarily Postponed AED AP RC	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, March 18, 2014, 8:00 —9:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1382 Hays (Identical H 1121)	Hazardous Walking Conditions; Revising criteria that determine a hazardous walking condition for public school students; revising procedures for inspection and identification of hazardous walking conditions; requiring a district school board to provide transportation to students who would be subjected to hazardous walking conditions; revising provisions relating to funding for the transportation of students subjected to a hazardous walking condition; providing requirements relating to a civil action for damages, etc. ED 03/18/2014 Favorable CA AP	Favorable Yeas 9 Nays 0
8	A proposed committee substitute for the following bill (SB 1400) is expected to be considered: SB 1400 Latvala (Compare H 35, H 51, H 205, H 275, CS/CS/CS/H 851, CS/CS/H 7015, CS/CS/S 84, S 300, S 428, S 732, CS/S 860)	Postsecondary Student Tuition; Revising certain residency requirements for a dependent child; prohibiting denial of classification as a resident for tuition purposes based on certain immigration status; revising requirements for documentation of residency; revising the standard tuition and out-of-state fees for workforce education postsecondary programs leading to certain certificates and diplomas and certain other programs at Florida College System institutions; deleting a provision related to an increase of the resident undergraduate tuition at state universities at a rate equal to inflation, etc. ED 03/18/2014 Fav/CS JU AED AP	Fav/CS Yeas 5 Nays 4
9	SB 1512 Stargel (Compare H 895, H 5103, H 7117, S 1446, S 1642)	Students with Disabilities; Establishing the Florida Personalized Accounts for Learning; specifying criteria for students who are eligible to participate in the program; prohibiting specific providers, schools, institutions, school districts, and other entities from sharing, refunding, or rebating program funds; requiring a school district to notify the parent regarding the option to participate in the program; specifying the school district's responsibilities for completing a matrix of services and notifying the Department of Education of the completion of the matrix, etc. ED 03/11/2014 Workshop-Discussed ED 03/18/2014 Fav/CS AED AP	Fav/CS Yeas 7 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, March 18, 2014, 8:00 —9:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	Workshop - Discussion and testimony only on the following (no vote to be taken):		
	Education - Early Learning		Temporarily Postponed
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			
11	Armas, Ada Gonzalez (Coral Gables)	12/31/2016	Recommend Confirm Yeas 9 Nays 0
	Tuck, Andy (Sebring)	12/31/2017	Recommend Confirm Yeas 9 Nays 0
	Padget, John R. (Key West)	12/31/2016	Recommend Confirm Yeas 9 Nays 0
	Colon, John A. (University Park)	12/31/2014	Recommend Confirm Yeas 9 Nays 0
Board of Trustees, Florida A & M University			
12	Gilzean, Glenton, Jr. (St. Petersburg)	01/06/2018	Temporarily Postponed
	Moore, Kimberly Ann (Tallahassee)	01/06/2018	Temporarily Postponed
Board of Trustees, Florida Gulf Coast University			
13	Gable, Robert Blakeslee (Naples)	01/06/2018	Recommend Confirm Yeas 9 Nays 0
Board of Trustees, Florida Polytechnic University			
14	Brown, William M. (Viera)	11/07/2017	Recommend Confirm Yeas 9 Nays 0
	Bostick, R. Mark (Lake Wales)	06/30/2015	Recommend Confirm Yeas 9 Nays 0
	Wilson, Donald H. (Homeland)	07/15/2014	Recommend Confirm Yeas 9 Nays 0
	Stork, Robert W. (Vero Beach)	06/30/2014	Recommend Confirm Yeas 9 Nays 0
	Martin, Frank T. (Clermont)	07/15/2015	Recommend Confirm Yeas 9 Nays 0
	Hyman, Kevin M. (Winter Haven)	06/30/2015	Recommend Confirm Yeas 9 Nays 0
	Hammack, Scott J. (Naples)	06/30/2015	Recommend Confirm Yeas 9 Nays 0
	Gidel, Robert H. (Windermere)	06/30/2017	Recommend Confirm Yeas 9 Nays 0
	Featherman, Sandra (Highland Beach)	07/15/2015	Recommend Confirm Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education

Tuesday, March 18, 2014, 8:00 —9:30 a.m.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 396

INTRODUCER: Senators Bean and Bradley

SUBJECT: Joint Use of Public School Facilities

DATE: March 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Pre-meeting
2.			CA	
3.			JU	

I. Summary:

SB 396 creates a new law that authorizes the establishment of public access policies and joint use agreements that provide access to the district’s outdoor recreation and sports facilities on public school property during non-school hours when a school-sponsored or school-related activity is not occurring. The bill creates a new limited waiver of sovereign immunity that applies when districts utilize these policies or agreements.

The effective date of this bill is July 1, 2014.

II. Present Situation:

Currently, district school boards may permit public use of its educational facilities. The Legislature’s limited waiver of sovereign immunity pursuant to s. 768.28, F.S., applies to the district when allowing this public use.

Public Use of School Facilities

Under current law, district school boards are authorized to allow public use of its educational facilities. For example:

- District school boards may permit the use of educational facilities and grounds for any legal assembly or for community use centers. The district school board must adopt rules, regulations, or policies and procedures necessary to protect educational facilities and grounds when used for such purposes.¹

¹ Section 1013.10, F.S.

- District school boards and local governments must enter into an interlocal agreement. The interlocal agreement must address a process for determining where and how joint use of school board facilities can be shared for mutual benefit and efficiency.²
- District school boards may exercise any power except as expressly prohibited by the State Constitution or general law.³

Limited Waiver of Sovereign Immunity

The doctrine of sovereign immunity precludes bringing suit against the government without its consent.⁴ Founded on the ancient principle that “the King can do no wrong,” sovereign immunity bars holding the government or its political subdivisions liable for torts of its officers or agents unless such immunity is expressly waived by statute or necessary inference from legislative enactment.⁵

Article X, s. 13, of the Florida Constitution, authorizes the Legislature to waive sovereign immunity. Accordingly, via Section 768.28(1), F.S., the Legislature created a limited waiver of sovereign immunity in tort:

In accordance with s. 13, Art. X of the State Constitution, the state, for itself and for its agencies or subdivisions, hereby waives sovereign immunity for liability for torts, but only to the extent specified in this act. Actions at law against the state or any of its agencies or subdivisions to recover damages in tort for money damages against the state or its agencies or subdivisions for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee’s office or employment under circumstances in which the state or such agency or subdivision, if a private person, would be liable to the claimant, in accordance with the general laws of this state, may be prosecuted subject to the limitations specified in this act.

Liability is limited to \$200,000 by any one person, and \$300,000 for the same incident or occurrence.⁶

III. Effect of Proposed Changes:

SB 396 creates a new law that authorizes the establishment of public access policies and joint use agreements that provide access to the district’s outdoor recreation and sports facilities on public school property during non-school hours when a school-sponsored or school-related activity is

² Section 163.31777(2)(g), F.S. With a few municipal exceptions, all counties, municipalities, and district school boards have entered into interlocal agreements that include provisions related to joint use of facilities. Florida Department of Education, *Senate Bill 392 Bill Analysis* (January 28, 2013) (on file with the Senate Committee on Education).

³ Section 1001.32(2), F.S.

⁴ *Black’s Law Dictionary* 1396 (6th ed. 1990)

⁵ *Id.*

⁶ Section 768.28(5), F.S.

not occurring. The bill creates a new limited waiver of sovereign immunity that applies when districts utilize these policies or agreements.

Public Use of School Facilities

The bill creates specific authority for district school boards to provide limited public use functions. Additionally, the bill allows district school boards to conserve resources by utilizing DOE model joint-use agreements or joint-use agreements or policies used by other district school boards. The bill provides public access to existing joint-use agreements and public access policies, which may increase public use and provide greater transparency and accountability for district school boards.

Specific Public Access Policies and Joint-Use Agreements for Limited Purposes

The bill creates s. 1013.105, F.S., which states that district school boards may:

- Develop and adopt written policies to promote access to outdoor recreation and sports facilities during non-school hours when a school-sponsored or school-related activity is not occurring. A public access policy should outline the outdoor recreation and sports facilities that are open to the public and the hours during which the facilities are open.
- Increase the number of joint-use agreements with local governments or private organizations regarding shared use of outdoor recreation and sports facilities. A joint-use agreement should specify the terms and conditions for the shared use of the outdoor recreation and sports facilities on public school property.
- Develop and adopt written policies and procedures providing for an appeal process if negotiations for joint-use agreements fail. The party seeking to enter into a joint-use agreement with a school district may file an appeal to the district superintendent.

District school boards currently have the authority to have public access policies and joint use agreements. However, the above provisions constitute specific authority (i.e., open access policies or joint use agreements) for limited functions (i.e., outdoor recreation and sports facilities on public school property during non-school hours when a school-sponsored or school-related activity is not occurring). The nexus for this specific authority, and for these limited functions, is that they are the only activities to which the new, limited waiver of sovereign immunity applies.

Availability of Model and Existing Joint-Use Agreements and Public Access Policies

The bill requires district school boards to submit to the Department of Education (DOE) a copy of its public access policy within 30 days after adoption, and a copy of joint-use agreements within 30 days of entering into the agreement. The DOE is required to:

- Develop a model joint-use agreement and post the model agreement on its website.
- Post on its website all copies of public access policies and joint-use agreement submitted to DOE by a district school board.
- Develop criteria for acceptance of grants for implementing joint-use agreements and post the criteria on its website.

These provisions may enable district school boards to save time and resources by utilizing the DOE model joint-use agreement, or the public access policies and joint-use agreements created by other district school boards.

Requiring DOE to post existing public access policies and joint-use agreements on its website may provide the public with greater knowledge of and access to these policies and agreements, enabling increased use by the public. Additionally, these postings may serve to provide the public with more transparency over and accountability for the district school board’s actions related to use of public school property.

New Waiver of Sovereign Immunity

The bill creates s. 768.072, F.S. Pursuant to this new law, a district school board is not liable for civil damages for personal injury, property damage, or death that occurs on a public school property that the district school board has made available to the public through public access policies or joint-use agreements under s. 1013.105, F.S. (the new substantive law created by this bill), unless gross negligence or intentional misconduct on the part of the district school board is a proximate cause of the injury, damage, or death. The new waiver does not:

- Change liability for injury, damage, or death that occurs during school hours or during a school-related or school-sponsored activity.
- Waive sovereign immunity beyond the limited waiver in s. 768.28, F.S.

The limited waiver of sovereign immunity in the new s. 768.072, F.S, while addressing similar events, is facially different from that in the existing s. 768.28, F.S. For example:

Event	Existing Law – s. 768.28, F.S.	SB 396 – s. 768.072, F.S.
Injury Suffered	<ul style="list-style-type: none"> • Injury or loss of property • Personal injury • Death 	<ul style="list-style-type: none"> • Property damage • Personal injury • Death
District Conduct	<ul style="list-style-type: none"> • Negligent act • Wrongful act • Omission 	<ul style="list-style-type: none"> • Gross negligence • Intentional misconduct
District Causation	<ul style="list-style-type: none"> • Caused by 	<ul style="list-style-type: none"> • Proximate cause

With the differences between s. 768.28, F.S., and s. 768.072, F.S., it difficult to predict how s. 768.072, F.S., will be interpreted by the judicial branch, both on its own or when read *in pari materia* with s. 768.28, F.S. Additionally, it is difficult to predict how the 67 district school boards, and the numerous parties using public school property pursuant to public access policies and joint-use agreements under s. 1013.105, F.S., will likewise implement this new limited waiver of sovereign immunity.

The effective date of this bill is July 1, 2014.

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. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 1013.105 and 768.072.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



867532

LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
03/18/2014	.	
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	.	

The Committee on Education (Legg) recommended the following:

Senate Amendment (with title amendment)

Between lines 64 and 65
insert:

(d) Encourage municipalities, counties, district school boards, and private organizations to collaborate in developing community projects that enable joint use of and public access to facilities, including, but not limited to, outdoor recreation, sports facilities, recreation venues, performing arts centers, and libraries.

(6) The portion of a facility or location that the district



867532

12 school board makes available through a public access policy or
13 joint use agreement under this section is exempt from s.
14 1012.467 while the facility or location is being utilized under
15 this section, if the facility or location is not being used as a
16 district function or being operated by the district, or during
17 nonschool hours when a school-sponsored or school-related
18 activity is not in progress.

19
20

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

22 And the title is amended as follows:

23 Delete line 12

24 and insert:

25 Education; providing limited circumstances when s.
26 1012.467 does not apply; creating s. 768.072, F.S;
27 providing



324148

LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
03/18/2014	.	
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	.	
	.	

The Committee on Education (Legg) recommended the following:

1 **Senate Substitute for Amendment (867532) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Section 768.072, Florida Statutes, is created to
7 read:

8 768.072 Limitation on public premises liability for public
9 school property and joint community projects, and background
10 screening requirements.—

11 (1) (a) A district school board is not liable for civil



324148

12 damages for personal injury, property damage, or death that
13 occurs on a public school property that the district school
14 board has opened to the public through joint-use agreements or
15 public access policies pursuant to this subsection, unless gross
16 negligence or intentional misconduct on the part of the district
17 school board is a proximate cause of the injury, damage, or
18 death.

19 (b) A district school board may, at its discretion, enter
20 into a joint-use agreement with a local government or a private
21 organization or adopt public access policies to enable public
22 access to indoor or outdoor recreation and sports facilities on
23 public school property. A joint-use agreement or public access
24 policy must specify the facilities to be used, dates and times
25 of use, and terms and conditions governing use of such
26 facilities and may include provisions regarding liability
27 insurance coverage and indemnification of the school district.

28 (2) (a) A district school board, county or city is not
29 liable for civil damages for personal injury, property damage,
30 or death that occurs on property upon which a joint community
31 project operates and is accessed by the public through joint-use
32 agreements or public access policies pursuant to this
33 subsection, unless gross negligence or intentional misconduct on
34 the part of the district school board, county or city is a
35 proximate cause of the injury, damage, or death. No party to the
36 joint-use agreements or public access policies shall be liable
37 for more than their pro rata share of negligence.

38 (b) A district school board may enter into agreements with
39 a county or city to develop and operate joint community
40 projects. The agreements must specify how the joint community



324148

41 project will be developed and operated, where the project will
42 be located, that the operating entity may enter into joint-use
43 agreements pursuant to this subsection, how public access
44 policies pursuant to this subsection will be adopted, and any
45 other provisions necessary to develop and operate the joint
46 community project.

47 (c) A joint-use agreement or public access policy for the
48 joint community project must specify the facilities to be used,
49 dates and times of use, and terms and conditions governing use
50 of such facilities, and may include provisions regarding
51 liability insurance coverage, indemnification of the school
52 district and the county or city, and any other necessary
53 provisions.

54 (3) This section does not affect liability for injury,
55 damage, or death that occurs during school hours or during a
56 school-sponsored activity.

57 (4) This section does not waive sovereign immunity beyond
58 the limited waiver in s. 768.28.

59 (5) Section 1012.467 does not apply to the portion of the
60 property made available pursuant to this section when there is
61 no school-sponsored or school-related program or activity in
62 progress. This subsection does not expand the applicability of
63 s. 1012.467.

64 Section 2. This act shall take effect July 1, 2014.

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

67 And the title is amended as follows:

68 Delete everything before the enacting clause
69 and insert:



324148

70 A bill to be entitled
71 An act relating to the joint use and public access of
72 public school facilities and joint community projects;
73 creating s. 768.072, F.S.; authorizing district school
74 boards to enter into joint-use agreements or adopt
75 public access policies; providing immunity from
76 liability for a district school board that enters into
77 a joint-use agreement or adopts public access policies
78 except in instances of gross negligence or intentional
79 misconduct; authorizing a district school board to
80 enter into agreements with a county or city to develop
81 and operate joint community projects; providing
82 immunity from liability for a district school board,
83 county, and city that enter into joint-use agreements
84 or adopts public access policies except in instances
85 of gross negligence or intentional misconduct,
86 limiting liability to a pro rata share of negligence;
87 providing applicability; providing that s. 1012.467
88 does not apply when there is no school-sponsored or
89 school-related program or activity in progress;
90 providing an effective date.

By Senator Bean

4-00387-14

2014396__

1 A bill to be entitled
 2 An act relating to the joint use of public school
 3 facilities; creating s. 1013.105, F.S.; providing
 4 legislative findings; authorizing each district school
 5 board to adopt written policies to promote public
 6 access to outdoor recreation and sports facilities on
 7 school property, to increase the number of joint-use
 8 agreements, and to develop and adopt written policies
 9 and procedures for an appeal process if negotiations
 10 for a joint-use agreement fail; providing duties of
 11 district school boards and the Department of
 12 Education; creating s. 768.072, F.S.; providing
 13 immunity from civil liability for a district school
 14 board that adopts public access policies or enters
 15 into a joint-use agreement except in instances of
 16 gross negligence or intentional misconduct; providing
 17 application; providing an effective date.
 18
 19 Be It Enacted by the Legislature of the State of Florida:
 20
 21 Section 1. Section 1013.105, Florida Statutes, is created
 22 to read:
 23 1013.105 Joint use of public school facilities.-
 24 (1) The Legislature finds that greater access to recreation
 25 and sports facilities is needed in this state to reduce the
 26 impact of obesity on personal health and health care
 27 expenditures. The Legislature further finds that public schools
 28 are equipped with taxpayer-funded playgrounds, fields, tracks,
 29 courts, and other outdoor recreation and sports facilities that

Page 1 of 3

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

4-00387-14

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30 offer easily accessible opportunities for physical activity for
 31 residents of the community.
 32 (2) Each district school board may:
 33 (a) Develop and adopt written policies to promote public
 34 access to the outdoor recreation and sports facilities on public
 35 school property during nonschool hours when a school-sponsored
 36 or school-related activity is not occurring. A public access
 37 policy should outline the outdoor recreation and sports
 38 facilities that are open to the public and the hours during
 39 which the facilities are open.
 40 (b) Increase the number of joint-use agreements entered
 41 into with a local government or a private organization. A joint-
 42 use agreement should specify the terms and conditions for the
 43 shared use of outdoor recreation and sports facilities on public
 44 school property.
 45 (c) Develop and adopt written policies and procedures
 46 providing for an appeal process in which a party seeking to
 47 enter into a joint-use agreement with a school district pursuant
 48 to this section may file an appeal with the district school
 49 superintendent if the negotiations for such joint-use agreement
 50 fail.
 51
 52 Within 30 days after adopting a public access policy or entering
 53 into a joint-use agreement, a district school board shall submit
 54 a copy of the policy or agreement to the Department of
 55 Education.
 56 (3) The Department of Education shall:
 57 (a) Develop a model joint-use agreement and post the model
 58 agreement on its website.

Page 2 of 3

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

4-00387-14

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59 (b) Post on its website links to or copies of all public
60 access policies and joint-use agreements submitted to the
61 department by a district school board.

62 (c) Develop criteria for the acceptance of grants for
63 implementing joint-use agreements and post the criteria on its
64 website.

65 Section 2. Section 768.072, Florida Statutes, is created to
66 read:

67 768.072 Limitation on public school premises liability.-

68 (1) A district school board is not liable for civil damages
69 for personal injury, property damage, or death that occurs on a
70 public school property that the district school board has made
71 available to the public through public access policies or joint-
72 use agreements under s. 1013.105, unless gross negligence or
73 intentional misconduct on the part of the district school board
74 is a proximate cause of the injury, damage, or death.

75 (2) This section does not change liability for injury,
76 damage, or death that occurs during school hours or during a
77 school-sponsored or school-related activity.

78 (3) This section does not waive sovereign immunity beyond
79 the limited waiver in s. 768.28.

80 Section 3. This act shall take effect July 1, 2014.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Joint Use Agreements

Bill Number 396
(if applicable)

Name David Francis

Amendment Barcode _____
(if applicable)

Job Title Gov. Relations Director

Address 2851 Remington Green Cir Ste C

Phone 850-569-0598

Tall FL 32308
City State Zip

E-mail david.francis@heart.org

Speaking: For Against Information

Representing American Heart 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/14

Meeting Date

Topic Joint Use of Sch. Facilities Bill Number 396
(if applicable)

Name Fely Curva, Ph.D. Amendment Barcode _____
(if applicable)

Job Title Partner, Curva & Associates LLC

Address 1212 Piedmont Dr. Phone 850-508-2256
Street

Jalleshsee FL 32312
City State Zip

E-mail curva@mindspring.com

Speaking: For Against Information

Representing FL Alliance for Health, PE, Recreation,
Dance & Sports (FAHAPERDS)

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/2014
Meeting Date

Topic Shared Use of Public School Facilities Bill Number 396
(if applicable)

Name Todd Rosenbaum Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 415 Suite B North Taragona St. Phone 850-525-0342

Street
Pensacola, FL 32501
City State Zip

E-mail todd.rosenbaum@floridachymcas.org

Speaking: For Against Information

Representing Florida 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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Meeting Date

Topic Joint Use

Bill Number SB 396

Name Jimmy Gustafson

Amendment Barcode ~~212557~~ (if applicable)

Job Title Lawyer

324148 (if applicable)

Address 1567 Cristobal Drive

Phone 850-251-4011

Tallahassee FL 32303
City State Zip

E-mail jimg@searcy/law.com

Speaking: For Against Information

Representing FJA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/14
Meeting Date

Topic _____

Bill Number 396
(if applicable)

Name Laura Pellman

Amendment Barcode _____
(if applicable)

Job Title _____

Address 7654 Solimar Cir.

Phone 561 445 4000

Boca Raton FL 33433
City State Zip

E-mail _____

Speaking: For Against Information

Representing Florida PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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 514

INTRODUCER: Senator Flores

SUBJECT: Gender-Specific School Pilot Project

DATE: March 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McLaughlin</u>	<u>Klebacha</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 514 establishes a pilot program for public schools meeting gender-specific requirements.

Specifically, the bill creates an unnumbered section of law that requires the Department of Education (DOE) to administer a two-year Gender-Specific School Pilot Project in five school districts with populations of more than 100,000 kindergarten through grade twelve students.

The bill requires the Office of Program Policy and Government Accountability (OPPAGA) to submit a report comparing the academic performance of students in the gender-specific school in this pilot program with the academic performance of students in other public schools in the school district by December 31, 2016.

The bill provides an effective date of July 1, 2014.

II. Present Situation:

Under Florida law, a district school board may establish and maintain single-gender schools as long as the district makes available a substantially equal school.¹ Participation in single-gender schools must be voluntary.² At least every two years, the school district must evaluate each single-gender school to ensure compliance with federal regulations.³

¹ Section 1002.311(1), F.S.

² Section 1002.311(2)(a), F.S.

³ Section 1002.311(2)(b), F.S.

There are 54 single-gender schools in 33 school districts in Florida.⁴ A variety of school models employ single-gender classes, e.g., alternative schools, charter schools, virtual schools, and traditional public schools.⁵

III. Effect of Proposed Changes:

The bill establishes a pilot program for public schools meeting gender-specific requirements. The pilot program could include a district's existing single-gender school and would include a new school meeting the definition.

Under the proposed pilot program, school districts:

- Must apply and be chosen for the pilot project;
- May operate one pilot project school which must have a minimum population of 350 students;
- Must open enrollment to all students within the school district;
- Must separate core courses into boys-only and girls-only classes; and
- Must provide and require administrators and teachers to undergo professional development in scheduling and instructional strategies.

Those districts operating single-gender schools under this pilot program would be required to comply with existing state law⁶ and federal regulations,⁷ as well as the additional requirements of the pilot program.

The OPPAGA is required to provide to the Governor, the President of the Senate and the Speaker of the House of Representatives a report comparing the academic performance of students enrolled in the Gender-Specific School Pilot Project with the academic performance of students in other public elementary schools in the district. Funding for the pilot project will be appropriated by the Legislature and allocated to school districts by the DOE.

The bill provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴ Telephone conversation with staff, Florida Department of Education, Office of Governmental Relations (Mar. 10, 2014).

⁵ *Id.*

⁶ Section 1002.311, F.S.

⁷ 34 C.F.R. s.106.34.

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. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Flores

37-00485-14

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A bill to be entitled

An act relating to the Gender-Specific School pilot project; requiring the Department of Education to administer a pilot project in certain school districts in which an elementary school is designated as a Gender-Specific School; providing criteria for selection as a Gender-Specific School and requirements for instruction and enrollment; requiring school administrators and instructional personnel to participate in certain professional development; providing for funding for pilot project implementation; requiring the Office of Program Policy Analysis and Government Accountability to provide a report on the academic performance of students; providing an effective date.

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

Section 1. (1) The Department of Education shall administer a Gender-Specific School pilot project to be implemented during the 2014-2015 and 2015-2016 school years in school districts in the state. A district that has more than 100,000 kindergarten through grade 12 students is eligible to participate in the pilot project. A district shall submit to the department a request to participate, and the department shall select five districts in which one elementary school within each district shall be designated as a "Gender-Specific School." A school participating in the pilot project must have a student enrollment of at least 350 students.

Page 1 of 3

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(2) (a) Students in a Gender-Specific School shall be separated by grade-level into boys-only classes and girls-only classes during instruction in the core subject areas. For classes for which a school has only one teacher for a subject area, such as foreign language, the students may be combined in a regular classroom setting. The students shall have coeducational opportunities during school lunch periods, recess, and other school activities.

(b) Enrollment in a Gender-Specific School is open to students residing in the school district in which the school is located and may not be restricted to enrollment of students residing in the attendance zone served by the school. Student enrollment in a school may not exceed the building capacity.

(3) The department shall develop a list of professional development providers to assist participating schools with scheduling and instructional strategies. A school district shall select a professional development provider from the department's list and require the school's administrative and instructional personnel to participate in the professional development.

(4) Funds to implement the pilot project shall be appropriated by the Legislature and allocated to school districts by the department.

Section 2. The Office of Program Policy Analysis and Government Accountability shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2016, a report comparing the academic performance of students in schools participating in the Gender-Specific School pilot project with the academic performance of students in other public elementary schools in

Page 2 of 3

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

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59 the district.

60 Section 3. This act shall take effect July 1, 2014.

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 628

INTRODUCER: Senators Montford and Stargel

SUBJECT: Educational Facilities Financing

DATE: March 17, 2014

REVISED: _____

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

I. Summary:

SB 628 expands to some K-12 “private nonprofit” schools the same construction, financing, and refinancing benefits currently available through a financing authority to independent, non-profit colleges and universities. The bill also expands the projects and authorized uses for the colleges, universities, and “private nonprofit” schools that participate in the program.

Specifically, the bill:

- Changes the name of the “Higher Educational Facilities Financing Authority” to the “Educational Facilities Financing Authority”;
- Expands the definition of authorized projects that may be used by participating institutions to include projects such as research facilities, athletic facilities, utility facilities, other structures useful for the operation of an educational institution, equipment, and machinery; and
- Expands the definition of participating institutions to include “private nonprofit elementary, middle, or secondary schools that are located in and chartered by the state, and accredited by Southern Association of Colleges and Schools.”

The bill takes effect July 1, 2014.

II. Present Situation:

Higher Educational Facilities Financing Authority

The Higher Educational Facilities Financing Authority (HEFFA) was created as a public instrumentality by the Legislature with the purpose of assisting institutions of higher education in undertaking constructing, financing, and refinancing projects. The HEFFA has numerous powers, and including the ability to issue revenue bonds to finance the costs of a project for a participating institution.

Creation and Background

The HEFFA was established in 2001 in Chapter 243, Florida Statutes, as a “public body corporate and politic.”¹ The HEFFA is constituted as a “public instrumentality” and the exercise by the HEFFA of its conferred powers is “considered to be the performance of an essential public function.”² Members of the HEFFA are appointed by the Governor, subject to confirmation by the Senate.³ Chapters 119 (public records) and 286 (open meetings) apply to the HEFFA.⁴

Purpose And Powers

The purpose of the HEFFA is to assist institutions of higher education⁵ in undertaking constructing, financing, and refinancing projects.⁶ For this purpose, the HEFFA may:⁷

- Exercise general business authority.
 - Exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, F.S.
 - Have perpetual succession as a body politic and corporate and adopt bylaws for the regulation of its affairs and the conduct of its business.
 - Adopt an official seal.
 - Maintain an office at any place in the state.
 - Sue and be sued.
 - Employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and other employees and agents as necessary.
 - Charge to and equitably apportion among participating institutions its administrative costs and expenses incurred in the exercise of the powers and duties.
 - Contract with an entity as its agent to assist the HEFFA in screening applications of institutions of higher education for loans.
 - Do all things necessary or convenient to carry out the purposes of ss. 243.50-243.77, F.S.
- Implement financing arrangements.

¹ Section 243.53(1), F.S., s. 4, Ch. 2001-79, L.O.F., The term “public body corporate and politic” is not specifically defined in state law; although, Section 1.01(8), F.S., defines “public body,” “body politic,” or “political subdivision” to include “counties, cities, town, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.”, *See O’Malley v. Florida Insurance Guaranty Association*, 257 So.2d 9, 11 (Fla. 1971)(The business of a public corporation is ordinarily “stipulated by the Legislature to fill a public need without private profit to any organizers or stockholders. Their function is to promote the public welfare and often they implement government regulations within the state’s police power. In a word, they are organized for the benefit of the public.”), *See Forbes Pioneer Boat Line v. Board of Commissioners*, 82 So.2d 346, 350 (Fla. 1919)(Public corporations or public quasi-corporations and the governing bodies thereof possess only such powers as are expressly granted by statute or necessarily implied in order to carry the expressly granted powers into effect.)

² Section 243.53(1), F.S.

³ Section 245.53(2), F.S.

⁴ Section 243.53(2), F.S.

⁵ Section 243.52(6), F.S. An “institution of higher education” means “an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools’ which grants baccalaureate degrees; and which is not a state university or state community college.” *Id.*

⁶ Section 243.54, F.S.

⁷ Section 243.54, F.S.

- Make and execute financing arrangements, leases, contracts, deeds, and other instruments necessary or convenient in the exercise of the powers and functions of its authority.
- Mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance projects or those providing credit for that purpose.
- Engage in the sale-leaseback, lease-purchase, lease-leaseback, or other undertakings and provide for the sale of certificates of participation incident thereto.
- Issue bonds and manage loans.
 - Issue bonds; bond anticipation notes, and other obligations for any of its corporate purposes.
 - Receive and accept from any public agency loans or grants for or in aid of the construction of a project.
 - Make loans to any participating institution for the cost of the project, including a loan in anticipation of tuition revenues.
 - Make loans to a participating institution to refund outstanding obligations, mortgages, or advances issued, made, or given by the participating institution for the cost of a project.
- Manage and Delegate Project Responsibilities
 - Determine the location and character of any project to be financed; construct, reconstruct, maintain, repair, and lease the project as lessee or lessor; enter into contract for these purposes.
 - Designate the participating institution as agent of the HEFFA for these purposes.
- Provide Accountability and Transparency
 - Establish rules for the use of a project, and designate a participating institution as its agent to establish rules for the use of the project undertaken by the participating institution.
 - Transfer free and clear title to the participating institution when principal and interest on revenue bonds have been paid (or adequate provision has been made to pay), all other conditions securing the bonds have been satisfied, and the lien has been released.⁸
 - Submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives at the end of each fiscal year.⁹ The report must include numerous provisions, including but not limited to expenditures, assets, liabilities, and the outstanding bond schedule.¹⁰

Authorized Projects and Costs

A “project” is defined as “a dormitory, student service facility, parking facility, administration building, academic building, or library and includes a loan in anticipation of tuition revenues by an institution of higher education....”¹¹

The HEFFA may finance “costs” to include items such as: construction and land acquisition; structures; demolition, including the cost of purchasing the lands which the buildings may be removed; machinery and equipment; working capital, reserves for principal, interest, and rebate;

⁸ Section 243.57, F.S.

⁹ Section 243.73, F.S.

¹⁰ *Id.*

¹¹ Section 243.52(3), F.S.

additions and improvements; engineering, financial, and legal services; plans and surveys; and other expenses.¹²

Bonds and Tax exempt Status

Revenue bonds issued by the HEFFA are not a debt or liability of the HEFFA, any municipality, the state, or any political subdivision thereof.¹³ Thus the bonds are not secured by the full faith and credit of the state, and do not constitute an obligation, either general or special, of the state.¹⁴ However, the bonds may be secured by mortgage or the full faith and credit of a participating institution of higher education or any other lawfully pledged security of a participating institution of higher education.¹⁵

Because the operation and maintenance of a project by the HEFFA or a participating institution constitutes the performance of an essential public function, neither the HEFFA nor a participating institution is required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the HEFFA or a participating institution.¹⁶

Participating Institutions

A “participating institution” means “an institution of higher education, as defined in s. 243.52(6) that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in an permitted by ss. 243.50-243.77.”¹⁷ Thus, to become a “participating institution” an “institution of higher education” must essentially utilize the HEFFA as provided by law.

The participating institution may fix, revise, charge, and collect rates, rents, fees, and charges for the use of and for the services furnished to or to be furnished by each project and may contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. The rates, rents, fees, and charges must be fixed and adjusted in respect of the aggregate of rates, rents, fees, and charges from the project to as to provide funds sufficient with other revenues to pay the cost of maintenance, repairs, operations, and principal and interest on outstanding revenue bonds.¹⁸

¹² Section 243.52(4), F.S. In the case of a loan in anticipation of tuition revenues, the term “cost” means “the amount of the loan in anticipation of revenues which does not exceed the amount of tuition revenues anticipated to be received by the borrowing institution of higher education in the 1-year period following the date of the loan, plus costs related to the issuance of the loan, or the amount of the bonds, the proceeds of which the fund loans and any related cost of debt service, reserve funds, and rebate associated therewith.” *Id.*

¹³ Section 243.66, F.S.

¹⁴ Section 243.64, F.S.

¹⁵ Section 243.52(5), F.S.

¹⁶ Section 243.70, F.S.

¹⁷ Section 243.52(7), F.S.

¹⁸ Section 243.67, F.S. Note that any holder of revenue bonds may take legal action to enforce and compel performance of all duties, including the fixing, charging, and collecting of the rates, rents, fees, and charges. Section 243.69, F.S.

County Educational Facilities Authority

As early as 1969, the Legislature created in each county, a “public body corporate and politic” to be known as the “_____ County Educational Facilities Authority.”¹⁹ The CEFAs were constituted as a public instrumentality and the exercise of the authority and powers conferred are deemed to be the performance of an essential public function.²⁰ The purpose of the CEFAs is to easiest institutions for higher education in the construction, financing, and refinancing of projects.²¹ The definition of “project” for CEFAs means:²²

- A structure suitable for use as a:
 - Dormitory or other housing facility.
 - Dining hall.
 - Student union.
 - Administration building.
 - Academic building.
 - Library.
 - Laboratory.
 - Research facility.
 - Classroom.
 - Athletic facility.
 - Health care facility.
 - Maintenance, storage or utility facility.
- Other structures or facilities:
 - Related thereto or required thereto.
 - Required or useful:
 - For the instruction of students.
 - The conducting of research.
 - The operation of an educational institution, including:
 - Parking.
 - Other facilities or structures, essential or convenient for the orderly conduct of such institution, and includes:
 - Equipment.
 - Machinery.
 - Other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but does not include items such as:
 - Books.
 - Fuel.
 - Supplies.
 - Other items that are customarily deemed to result in a current operating charge.
- A loan in anticipation of tuition revenues by an educational institution.

¹⁹ Section 243.21(1), F.S. *Compare* the definition of “projects” for CEFAs and the HEFFA. The CEFAs have historically had a more extensive list of projects that may be financed.

²⁰ *Id.*

²¹ Section 243.22, F.S.

²² Section 243.20(5), F.S.

As previously noted, the HEFFA was created in 2001, well after creation of the CEFA. It appears the HEFFA was created as a response to the problems experienced by the CEFA with projects for constructions as well as operations.²³ Despite Legislative attempts to increase authority for the CEFA in 1999, little activity resulted and nonpublic institutions for higher education were denied loans based on tuition income to pay operational costs.²⁴

Private K-12 Schools

Private K-12 schools in Florida are, in general, subject to limited state oversight. However, private K-12 schools that participate in state school choice programs must comply with specific accountability provisions.

Background

Florida law defines “private schools” for purposes of satisfying compulsory²⁵ student attendance requirements as:

a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41.²⁶

²³ See Staff of the Florida Senate, *Legislative Bill Analysis for CS/SB 302* (2001).

²⁴ *Id.*

²⁵ Section 1002.20(2)(a), F.S. The compulsory school attendance laws apply to all children between the ages of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a). *Id.*

²⁶ Section 1002.01(2), F.S., Additionally, in 1959, the Legislature created a “private school corporation.” Section 623.02, F.S. The “private school corporation” is “[a]ny 25 or more adult persons, who are legal residents of Florida and of the country in which any corporation may be formed hereunder, may for a private school corporation, under the provisions of this act and such private school shall be incorporated in the following manner: There shall be presented to one of the judges of the circuit court for the county in which such corporation will operate, a proposed charter subscribed by the intended incorporators, which shall set forth: (1) The name of the corporation which shall include the words ‘private school.’ (2) A designation of the geographic area in which such corporation will operate its school or schools. (3) The object and purpose of the corporation. (4) The qualifications of the members and the manner of their designation. (5) The term for which the corporation will exist, which term may be perpetual. (6) The names and addresses of the charter members. (7) The names of officers who shall manage the affairs of the corporation until the first election of officers. (8) The procedures by which the bylaws of the corporation shall be made, altered, or rescinded.” *Id.*

Private schools authorized by the Florida K-20 Education Code²⁷ must comply with limited requirements in the following topics:²⁸

- Annual private school survey.
- Retention of records.
- Attendance records and reports.
- School-entry health exams.
- Attendance requirements.

Private schools may choose to work with school districts or the Department of Education in the following topics:²⁹

- Athletic competition.
- Receipt of educational materials.
- Instructional materials.
- Diagnostic and resource centers.
- Exceptional education services.
- Professional development system.
- Bus driver training.
- Pool purchase of school buses.
- Emergency procedures.
- Epinephrine supply.

Accountability When Participating in State School Choice Scholarship Programs

Private K-12 schools may also choose to participate in a state school choice scholarship program.³⁰ However, they must comply with certain accountability requirements.³¹ Examples of these accountability requirements include, but are not limited to, requirements that private K-12 schools:

- Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.
- Meet applicable state and local health, safety, and welfare laws, codes and rules, including fire safety and building safety.
- Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have the skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.
- Require each employee and contracted personnel with direct student contact, instructional personnel, and school administrators to undergo background screening.
- Adopt ethics policies and standards of conduct.

²⁷ Chapters 1000 through 1013, F.S. See Section 1000.01(1), F.S.

²⁸ See Section 1002.42, F.S.

²⁹ *Id.*

³⁰ See Section 1002.39, F.S., creating the John M. McKay Scholarships for Students with Disabilities Program, Section 1002.395, F.S., creating the Florida Tax Credit Scholarship Program.

³¹ See Section 1002.421, F.S. These requirements are in addition to applicable requirements to participate in each specific state school choice scholarship program. Section 1002.421(1), F.S.

III. Effect of Proposed Changes:

SB 628 expands to some K-12 “private nonprofit” schools the same construction, financing, and refinancing benefits currently available through a financing authority to independent, non-profit colleges and universities. The bill also expands the projects and authorized uses for the colleges, universities, and “private nonprofit” schools that participate in the program. The bill renames the “Higher Educational Facilities Financing Authority” (HEFFA) as the “Educational Facilities Financing Authority” (EFFA).

Authorized Projects

The bill expands the definition of a “project” that can be approved by EFFA to track authority currently provided to County Educational Facilities Authorities (CEFAs), and mean:

- A structure suitable for use as a:
 - Dormitory or other housing facility.
 - Dining hall.
 - Student union.
 - Administration building.
 - Academic building.
 - Library.
 - Laboratory.
 - Research facility.
 - Classroom.
 - Athletic facility.
 - Health care facility.
 - Maintenance, storage or utility facility.
- Other structures or facilities:
 - Related thereto or required thereto.
 - Required or useful:
 - For the instruction of students.
 - The conducting of research.
 - The operation of an educational institution, including:
 - Parking.
 - Other facilities or structures, essential or convenient for the orderly conduct of such institution, and includes:
 - Equipment.
 - Machinery.
 - Other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but does not include items such as:
 - Books.
 - Fuel.
 - Supplies.
 - Other items that are customarily deemed to result in a current operating charge.
- A loan in anticipation of tuition revenues by an educational institution.

Authorized Participating Institutions

The definition of “participating institution” for purposes of accessing the benefits of EFFA is expanded to include “[a] private nonprofit elementary, middle, or secondary school that is located in and chartered by the state and accredited by the Southern Association of Colleges and Schools.” However, the bill does not define the phrase “private nonprofit elementary, middle, or secondary school.” Thus it may be possible that this language could be interpreted to include any number of the:

- 2,268 private schools, as defined in s. 1002.01(2), F.S.³²
- 570 charter schools in Florida, as defined in Section 1002.33, F.S.³³
- Unknown number of “private school corporations,” as defined in Section 623.02, F.S.³⁴
- Unknown number of self-proclaimed “private nonprofit” independent, non-public schools.

In sum, these new “private nonprofit” schools may take advantage of everything that a “participating institution” is authorized to utilize from an EFFA. A bond may be secured by the full faith and credit of a private school that is participating in the John M. McKay Scholarships for Students with Disabilities Program (McKay)³⁵ or the Florida Tax Credit Scholarship Program (FTC).³⁶ Current law for the HEFFA provides that “... the state will not limit or alter the rights vested in the [HEFFA/EFFA] until the obligations, together with the interest thereon, are fully met and discharged and the contracts are fully performed on the part of the [HEFFA/EFFA] ...”³⁷ Thus, it is unclear whether this language could prevent the Department of Education from terminating a private school’s eligibility to participate in the McKay or FTC scholarship programs.

Additionally, the addition of the new participating entities (including but not limited to private schools participating in the McKay or FTC scholarship programs) and expanded definition of projects, might result in inconsistencies with existing State Board of Education and Department of Education compliance authority. For example, existing law for the HEFFA/EFFA provides that:

- “[T]he powers granted to the [HEFFA/EFFA] ... are not subject to the supervision or regulation of, and do not require the approval or consent of, any municipality or political subdivision or any commission, board, body, bureau or agency thereof or of the state...”³⁸
- “[T]he issuance of notes, certificates of participation, revenue bonds, and revenue refunding bonds ... need not comply with the requirements of any other law applicable to the issuance of bonds or such obligations.”³⁹

³² Florida Department of Education, *Florida’s Private Schools Annual Report 2012-2013*, available at http://www.floridaschoolchoice.org/Information/Private_Schools/annual_reports/Private_School_Annual_Report_2012-2013.pdf

³³ Florida Department of Education, *Charter Schools*, http://www.floridaschoolchoice.org/Information/Charter_Schools/ (last viewed March 16, 2014). See “A charter school shall organize as, or be operated by, a nonprofit organization.”

³⁴ It is not known if these statistics are tracked.

³⁵ Section 1002.39, F.S.

³⁶ Section 1002.395, F.S.

³⁷ Section 243.74, F.S.

³⁸ Section 243.75, F.S.

³⁹ Section 243.75, F.S.

- “To the extent that ss. 243.50-243.77 are inconsistent with any general statute or special act or part thereof, ss. 243.50-243.77 are controlling.”⁴⁰

The bill takes effect July 1, 2014.

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:

Indeterminate.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

Because the bill amends various sections in Chapter 423, F.S., -- which is outside of the K-20 Education Code -- the bill could, without clarification, be interpreted to apply to private schools, private school corporations, other “nonprofit” or independent, non-public schools, and charter schools.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 243.50, 243.51, 243.52, 243.53, 243.54, 243.59, 243.66, 243.67, and 243.73.

⁴⁰ *Id.*

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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



415382

LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
03/18/2014	.	
	.	
	.	
	.	

The Committee on Education (Legg) recommended the following:

Senate Amendment (with title amendment)

Delete lines 103 - 105

and insert:

(b) A private school, as defined in s. 1002.01(2), which is incorporated, located, and licensed to do business in Florida; which is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code; which is accredited by the Commission of Schools of the Southern Association of Colleges and Schools; and which meets the requirements of ss. 1002.42 and 1002.421(2)(a), (2)(g)-(i), and (4). A private school is not a



415382

12 public K-12 school as described in s. 1000.04(1), the Florida
13 School for the Deaf and the Blind under s. 1002.36, or the
14 Florida Virtual School under s. 1002.37.

15
16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Delete lines 8 - 10

19 and insert:

20 higher educational facilities to include financing for
21 private schools as defined in s. 1002.01(2), F.S.,
22 which meet certain criteria, specifically excluding
23 public K-12 schools as described in s. 1000.04(1),
24 F.S., and identifying other exclusions; revising the
25 short

By Senator Montford

3-00593-14

2014628__

1 A bill to be entitled
 2 An act relating to educational facilities financing;
 3 renaming chapter 243, F.S., and part II thereof to
 4 conform to changes made by the act; amending ss.
 5 243.50, 243.51, 243.52, 243.53, 243.54, 243.59,
 6 243.66, 243.67, and 243.73, F.S.; revising provisions
 7 relating to the financing of independent nonprofit
 8 higher educational facilities to include financing for
 9 private nonprofit elementary, middle, and secondary
 10 schools meeting certain criteria; revising the short
 11 title and findings to conform; revising definitions;
 12 renaming the facilities financing authority to
 13 conform; revising powers of the authority, including
 14 the issuance and payment of bonds, to conform;
 15 revising the date for submission of an annual
 16 financial report by the authority to the Governor and
 17 Legislature; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Chapter 243, Florida Statutes, entitled "Higher
 22 Educational Facilities Bonds," is renamed "Educational
 23 Facilities Bonds." Part II of that chapter, entitled "Higher
 24 Educational Facilities Financing," is renamed "Educational
 25 Facilities Financing."

26 Section 2. Section 243.50, Florida Statutes, is amended to
 27 read:

28 243.50 Short title.—Sections 243.50-243.77 may be cited as
 29 the "~~Higher~~ Educational Facilities Financing Act."

Page 1 of 11

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3-00593-14

2014628__

30 Section 3. Section 243.51, Florida Statutes, is amended to
 31 read:

32 243.51 Findings and declarations.—It is the purpose of ss.
 33 243.50-243.77 to provide a measure of assistance and an
 34 alternative method enabling private educational institutions in
 35 of higher education of this state to provide the facilities and
 36 structures that they need and to enable those institutions to
 37 coordinate their budgetary needs with the timing of receipt of
 38 tuition revenues.

39 Section 4. Subsections (3) through (8) of section 243.52,
 40 Florida Statutes, are amended to read:

41 243.52 Definitions.—As used in ss. 243.50-243.77, the term:

42 (3) "Project" means a structure suitable for use as a
 43 dormitory or other housing facility, dining hall, student union,
 44 administration building, academic building, library, laboratory,
 45 research facility, classroom, athletic facility, health care
 46 facility, or maintenance, storage, or utility facility, and
 47 other structures or facilities related thereto, or required
 48 thereto, or required or useful for the instruction of students,
 49 or the conducting of research, or the operation of an
 50 educational institution, including parking and other facilities
 51 or structures, essential or convenient for the orderly conduct
 52 of such institution and includes equipment and machinery and
 53 other similar items necessary or convenient for the operation of
 54 a particular facility or structure in the manner for which its
 55 use is intended but does not include such items as books, fuel,
 56 supplies, or other items that are customarily deemed to result
 57 in a current operating charge. The term also ~~dormitory, student~~
 58 service facility, parking facility, administration building,

Page 2 of 11

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3-00593-14

2014628__

59 ~~academic building, or library~~ and includes a loan in
 60 anticipation of tuition revenues by an educational institution
 61 ~~of higher education~~, as defined in subsection (6).
 62 (4) "Cost," as applied to a project or any portion thereof
 63 financed under ss. 243.50-243.77, includes all or any part of
 64 the cost of construction and acquisition of all lands,
 65 structures, real property, rights, rights-of-way, franchises,
 66 easements, and interests acquired or used for a project; the
 67 cost of demolishing or removing any buildings or structures on
 68 land so acquired, including the cost of acquiring any lands to
 69 which the buildings or structures may be removed; the cost of
 70 all machinery and equipment, financing charges, and interest
 71 before, during, and for a period of 30 months after completion
 72 of the construction; provisions for working capital, reserves
 73 for principal, interest, and rebate; provisions for extensions,
 74 enlargements, additions, and improvements; the cost of
 75 engineering, financial, and legal services; the cost of plans,
 76 specifications, studies, surveys, estimates of costs and
 77 revenues, administrative expenses, and expenses necessary to
 78 determining the feasibility or practicability of constructing
 79 the project; and other expenses necessary for constructing and
 80 acquiring the project, financing the construction, and placing
 81 the project in operation. In the case of a loan in anticipation
 82 of tuition revenues, the term "cost" means the amount of the
 83 loan in anticipation of revenues which does not exceed the
 84 amount of tuition revenues anticipated to be received by the
 85 borrowing educational institution ~~of higher education~~ in the 1-
 86 year period following the date of the loan, plus costs related
 87 to the issuance of the loan, or the amount of the bonds, the

Page 3 of 11

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3-00593-14

2014628__

88 proceeds of which fund the loans and any related cost of debt
 89 service, reserve funds, and rebate associated therewith.
 90 (5) "Bond" or "revenue bond" means a revenue bond of the
 91 authority issued under ss. 243.50-243.77, including a revenue
 92 refunding bond, notwithstanding that it may be secured by
 93 mortgage or the full faith and credit of a participating
 94 institution ~~of higher education~~ or any other lawfully pledged
 95 security of a participating institution ~~of higher education~~.
 96 (6) "Educational institution ~~of higher education~~" means:
 97 (a) An independent nonprofit college or university that
 98 ~~which~~ is located in and chartered by the state; that ~~which~~ is
 99 accredited by the Commission on Colleges of the Southern
 100 Association of Colleges and Schools; that ~~which~~ grants
 101 baccalaureate degrees; and that ~~which~~ is not a state university
 102 or Florida College System institution ~~state community college~~.
 103 (b) A private nonprofit elementary, middle, or secondary
 104 school that is located in and chartered by the state and
 105 accredited by the Southern Association of Colleges and Schools.
 106 (7) "Participating institution" means an educational
 107 institution ~~of higher education~~, as defined in subsection (6),
 108 which ~~that~~ undertakes the financing and construction or
 109 acquisition of a project or undertakes the refunding or
 110 refinancing of obligations or of a mortgage or of advances as
 111 provided in and permitted by ss. 243.50-243.77.
 112 (8) "Loan in anticipation of tuition revenues" means a loan
 113 to a participating ~~an~~ institution ~~of higher education~~ under
 114 circumstances in which tuition revenues anticipated to be
 115 received by the institution in any budget year are estimated to
 116 be insufficient at any time during the budget year to pay the

Page 4 of 11

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3-00593-14 2014628__

117 operating expenses or other obligations of the institution in
 118 accordance with the budget of the institution.

119 Section 5. Subsections (1) and (2) of section 243.53,
 120 Florida Statutes, are amended to read:

121 243.53 Creation of ~~Higher~~ Educational Facilities Financing
 122 Authority.-

123 (1) There is created a public body corporate and politic to
 124 be known as the ~~Higher~~ Educational Facilities Financing
 125 Authority. The authority is constituted as a public
 126 instrumentality, and the exercise by the authority of the powers
 127 conferred by ss. 243.50-243.77 is considered to be the
 128 performance of an essential public function. Chapters 119 and
 129 286 apply to the authority.

130 (2) The authority shall consist of five members to be
 131 appointed by the Governor, subject to confirmation by the
 132 Senate. One member shall be a trustee, director, officer, or
 133 employee of a participating ~~an~~ institution of ~~higher~~ education.
 134 Of the members first appointed, one shall serve for 1 year, one
 135 for 2 years, one for 3 years, one for 4 years, and one for 5
 136 years, and in each case until his or her successor is appointed
 137 and has qualified. Thereafter, the Governor shall appoint, for
 138 terms of 5 years each, a member or members to succeed those
 139 whose terms expire. The Governor shall fill any vacancy for an
 140 unexpired term. A member of the authority is eligible for
 141 reappointment. Any member of the authority may be removed by the
 142 Governor for misfeasance, malfeasance, or willful neglect of
 143 duty. Each member of the authority before entering upon his or
 144 her duties shall take and subscribe to the oath or affirmation
 145 required by the State Constitution. A record of each oath must

3-00593-14 2014628__

146 be filed in the office of the Department of State and with the
 147 authority.

148 Section 6. Section 243.54, Florida Statutes, is amended to
 149 read:

150 243.54 Powers of the authority.-The purpose of the
 151 authority is to assist participating institutions ~~of higher~~
 152 ~~education~~ in constructing, financing, and refinancing projects
 153 throughout the state, and, for this purpose, the authority may:

154 (1) Exercise all powers granted to corporations under the
 155 Florida Business Corporation Act, chapter 607.

156 (2) Have perpetual succession as a body politic and
 157 corporate and adopt bylaws for the regulation of its affairs and
 158 the conduct of its business.

159 (3) Adopt an official seal and alter the same at its
 160 pleasure.

161 (4) Maintain an office at any place in the state that it
 162 may designate.

163 (5) Sue and be sued in its own name, and plead and be
 164 impleaded.

165 (6) Make and execute financing agreements, leases, as
 166 lessee or as lessor, contracts, deeds, and other instruments
 167 necessary or convenient in the exercise of the powers and
 168 functions of the authority, including contracts with persons,
 169 firms, corporations, federal and state agencies, and other
 170 authorities, which state agencies and other authorities are
 171 authorized to enter into contracts and otherwise cooperate with
 172 the authority to facilitate the financing, construction,
 173 leasing, or sale of any project or the institution of any
 174 program; engage in sale-leaseback, lease-purchase, lease-

3-00593-14 2014628__

175 leaseback, or other undertakings and provide for the sale of
 176 certificates of participation incident thereto; and enter into
 177 interlocal agreements in the manner provided in s. 163.01.
 178 (7) Determine the location and character of any project to
 179 be financed under ss. 243.50-243.77 and may:
 180 (a) Construct, reconstruct, maintain, repair, and lease the
 181 project as lessee or lessor.
 182 (b) Enter into contracts for any of those purposes.
 183 (c) Designate a participating institution as its agent to
 184 determine the location and character of a project undertaken by
 185 a participating institution under ss. 243.50-243.77 and, as the
 186 agent of the authority, construct, reconstruct, maintain,
 187 repair, own, and lease the project as lessee or lessor.
 188 (8) Issue bonds, bond anticipation notes, and other
 189 obligations of the authority for any of its corporate purposes,
 190 including the provision of funds to pay all or any part of the
 191 cost of any project and to fund or refund the cost of any
 192 project as provided in ss. 243.50-243.77.
 193 (9) Establish rules for the use of a project or any portion
 194 thereof and designate a participating institution as its agent
 195 to establish rules for the use of a project undertaken by the
 196 participating institution.
 197 (10) Employ consulting engineers, architects, attorneys,
 198 accountants, construction and financial experts,
 199 superintendents, managers, and other employees and agents as
 200 necessary, and fix their compensation.
 201 (11) Receive and accept from any public agency loans or
 202 grants for or in aid of the construction of a project or any
 203 portion thereof, and receive and accept loans, grants, aid, or

3-00593-14 2014628__

204 contributions from any source of money, property, labor, or
 205 other things of value, to be held, used, and applied only for
 206 the purposes for which the loans, grants, aid, and contributions
 207 are made.
 208 (12) Mortgage any project and the site thereof for the
 209 benefit of the holders of revenue bonds issued to finance
 210 projects or those providing credit for that purpose.
 211 (13) Make loans to any participating institution for the
 212 cost of a project, including a loan in anticipation of tuition
 213 revenues, in accordance with an agreement between the authority
 214 and the participating institution. However, a loan may not
 215 exceed the total cost of the project as determined by the
 216 participating institution and approved by the authority.
 217 (14) Make loans to a participating institution to refund
 218 outstanding obligations, mortgages, or advances issued, made, or
 219 given by the participating institution for the cost of a
 220 project.
 221 (15) Charge to and equitably apportion among participating
 222 institutions its administrative costs and expenses incurred in
 223 the exercise of the powers and duties conferred by ss. 243.50-
 224 243.77.
 225 (16) Contract with an entity as its agent to assist the
 226 authority in screening applications of participating
 227 institutions ~~of higher education~~ for loans under ss. 243.50-
 228 243.77 and receive any recommendations the entity may make.
 229 (17) Do all things necessary or convenient to carry out the
 230 purposes of ss. 243.50-243.77.
 231 Section 7. Section 243.59, Florida Statutes, is amended to
 232 read:

3-00593-14

2014628__

233 243.59 Approval required to issue bonds.—The authority is
 234 created for the purpose of promoting private nonprofit higher
 235 education and issuing bonds on behalf of the state, and the
 236 Governor may approve any bonds issued by the authority which
 237 require approval under federal law.

238 Section 8. Section 243.66, Florida Statutes, is amended to
 239 read:

240 243.66 Payment of bonds.—Revenue bonds issued under ss.
 241 243.50-243.77 are not a debt or liability of the authority, any
 242 municipality, the state, or any political subdivision thereof,
 243 and are not a pledge of the faith and credit of the state, the
 244 authority, any municipality, or any political subdivision
 245 thereof, but are payable solely from revenues of the authority
 246 pertaining to the project relating to the issue; payments by
 247 participating institutions ~~of higher education~~, banks, insurance
 248 companies, or others under letters of credit or purchase
 249 agreements; investment earnings from funds or accounts
 250 maintained under the bond resolution; insurance proceeds; loan
 251 funding deposits; proceeds of sales of education loans; proceeds
 252 of refunding obligations; and fees, charges, and other revenues
 253 of the authority from the project. All revenue bonds must
 254 contain on the face thereof a statement to the effect that
 255 neither the authority nor any municipality, the state, or any
 256 political subdivision thereof is obligated to pay the bond or
 257 the interest thereon except from revenues of the project or the
 258 portion thereof for which they are issued, and that neither the
 259 faith and credit nor the taxing power of the authority, any
 260 municipality, the state, or any political subdivision thereof is
 261 pledged to the payment of the principal of or the interest on

Page 9 of 11

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3-00593-14

2014628__

262 the bonds. The issuance of revenue bonds under ss. 243.50-243.77
 263 may not directly, indirectly, or contingently obligate the
 264 authority, any municipality, the state, or any political
 265 subdivision thereof to levy or to pledge any form of taxation
 266 therefor or to make any appropriation for their payment.

267 Section 9. Subsection (3) of section 243.67, Florida
 268 Statutes, is amended to read:

269 243.67 Rates, rents, fees, and charges.—

270 (3) The use and disposition of moneys to the credit of a
 271 sinking or other similar fund must be subject to the resolution
 272 authorizing the issuance of the bonds or of the trust agreement.
 273 Except as otherwise provided in the resolution or the trust
 274 agreement, the sinking or other similar fund must be a fund for
 275 all revenue bonds issued to finance projects at a particular
 276 participating institution of higher education without
 277 distinction or priority of one over another. However, the
 278 authority in any resolution or trust agreement may provide that
 279 the sinking or other similar fund be the fund for a particular
 280 project at a participating institution and for payment of the
 281 revenue bonds issued to finance that project, and may,
 282 additionally, permit and provide for the issuance of revenue
 283 bonds having a subordinate lien in respect of the security
 284 authorized to other revenue bonds of the authority, and, in such
 285 case, the authority may create separate sinking or other similar
 286 funds in respect of the subordinate lien bonds.

287 Section 10. Subsection (1) of section 243.73, Florida
 288 Statutes, is amended to read:

289 243.73 Reports; audits.—

290 (1) The authority shall submit to the Governor and the

Page 10 of 11

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3-00593-14

2014628__

291 presiding officers of each house of the Legislature, within 4 2
292 months after the end of its fiscal year, a complete and detailed
293 report setting forth:

294 (a) Its operations and accomplishments.

295 (b) Its receipts and expenditures during its fiscal year in
296 accordance with the categories or classifications established by
297 the authority for its operating and capital outlay purposes.

298 (c) Its assets and liabilities at the end of its fiscal
299 year and the status of reserve, special, or other funds.

300 (d) A schedule of its bonds outstanding at the end of its
301 fiscal year, together with a statement of the principal amounts
302 of bonds issued and redeemed during the fiscal year.

303 (e) Any other information the authority deems appropriate.

304 Section 11. This act shall take effect July 1, 2014.

THE FLORIDA SENATE
APPEARANCE RECORD

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

March 18, 2014

Meeting Date

Topic HIGHER ED BOND FINANCING

Bill Number SB 628

(if applicable)

Name BOB BOYD

Amendment Barcode N/A

(if applicable)

Job Title GENERAL COUNSEL - INDEP. COLLEGES & UNIVERSITIES OF FLA OR

Address 660 E. JEFFERSON ST.

Phone 850-412-0306

ICUF

Street

TALL

FL

32301

E-mail bboyd@ssc.lawfirm.com

City

State

Zip

Speaking: For Against Information

Representing ICUF (INDEPENDENT COLLEGES & UNIV. OF FLA)

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)

3-18-14

Meeting Date

Topic HB 628

Bill Number 638 628
(if applicable)

Name Stephen Shiver

Amendment Barcode _____
(if applicable)

Job Title _____

Address 215 S Monroe St

Phone _____

Street

Tallahassee

State

FL

Zip

E-mail _____

Speaking: For Against Information

Representing

Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

The Florida Senate
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 1036

INTRODUCER: Health Policy Committee and Senator Grimsley

SUBJECT: Nursing Education Programs

DATE: March 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peterson</u>	<u>Stovall</u>	<u>HP</u>	<u>Fav/CS</u>
2.	<u>Letarte</u>	<u>Klebacha</u>	<u>ED</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1036 establishes a schedule for all registered nurse prelicensure programs approved by the Board of Nursing (BON) to become accredited by a specialized nursing accrediting agency that is recognized by the U.S. Secretary of Education. The bill:

- Revises the definition of “clinical training” to include clinical simulation and the definition of “practice of professional nursing” to include “the teaching of general principles of health and wellness to the public and to students other than nursing students.”
- Increases the percentage of clinical training that may consist of simulation from 25 percent to 50 percent and specifies the location of the required clinical training.
- Requires the BON to adopt rules to administer the documentation of the accreditation of nursing education programs.
- Exempts a nurse who is certified by a health care specialty program that is accredited by the National Commission for Certifying Agencies (NCCA) or Accreditation Board for Specialty Nursing Certification (ABSNC) from the biennial continuing education requirement.
- Provides an exemption from the nursing education program accreditation requirement for an institution exempted from licensure by the Commission for Independent Education under section 1005.06(1)(e), F.S.

The bill takes effect on July 1, 2014.

II. Present Situation:

The “Nurse Practice Act” of chapter 464, F.S.,¹ governs the licensure and regulation of nurses in Florida. Nurses are licensed by the Department of Health (DOH)² and are regulated by the BON.³ Applicants for a registered nurse (RN)⁴ or licensed practical nurse (LPN)⁵ license, among other requirements, must submit an application form to the DOH, pay a fee, submit information for a criminal background check,⁶ and pass a licensure exam.⁷ The exam used by the DOH is the National Council Licensure Examination (NCLEX),⁸ developed by the National Council of State Boards of Nursing.⁹

In addition, an applicant must complete the requirements for graduation from an approved program or its equivalent, as determined by the BON.¹⁰

Nursing Education Program Approval and Accreditation

Florida law requires an institution desiring to offer a nursing education program to submit an application to the DOH and pay a program review fee. The application must document compliance with the following program standards: faculty qualifications; clinical training and clinical simulation requirements, including a requirement that no more than 25 percent of the program’s clinical training consist of clinical simulation; faculty-to-student supervision ratios; and curriculum and instruction requirements.¹¹

Once the DOH determines an application is complete, it forwards the application to the BON, which has 90 days to approve the application or to provide the applicant with notice of its intent

¹ Chapter 464, F.S., is composed of two parts. Part I includes sections 464.001-464.027, F.S., and is entitled the “Nurse Practice Act.” The current bill amends portions of Part I. Part II includes sections 464.201-464.2085, F.S., and is entitled “Certified Nursing Assistants”(CNAs) and is not addressed by this bill.

² Section 464.008, F.S.

³ The BON is comprised of 13 members appointed by the Governor and confirmed by the Senate who serve four-year terms. Sections 464.004(1) and (3), F.S. “Seven members of the board must be registered nurses who are residents of this state and who have been engaged in the practice of professional nursing for at least 4 years, including at least one advanced registered nurse practitioner, one nurse educator member of an approved program, and one nurse executive. These seven board members should be representative of the diverse areas of practice within the nursing profession. In addition, three members of the board must be licensed practical nurses who are residents of this state and who have been actively engaged in the practice of practical nursing for at least 4 years prior to their appointment. The remaining three members must be residents of the state who have never been licensed as nurses and who are in no way connected with the practice of nursing. No person may be appointed as a lay member who is in any way connected with, or has any financial interest in, any health care facility, agency, or insurer. At least one member of the board must be 60 years of age or older.” Section 464.004(2), F.S.

⁴ “‘Registered nurse’ means any person licensed in this state to practice professional nursing.” Section 464.003(22), F.S.

⁵ “‘Licensed practical nurse’ means any person licensed in this state to practice practical nursing.” Section 464.003(16), F.S.

⁶ Section 464.008(1), F.S.

⁷ Section 464.008(2), F.S.

⁸ See Florida Board of Nursing, *Licensed Practical Nurse & Registered Nurse by Examination*, <http://floridasnursing.gov/licensing/licensed-practical-nurse-registered-nurse-by-examination/> (last visited Mar. 14, 2014).

⁹ National Council of State Boards of Nursing, *NCLEX Examinations: About the NCLEX*, <https://www.ncsbn.org/nclex.htm> (last visited Mar. 1, 2014).

¹⁰ Section 464.008(1)(c), F.S.

¹¹ Section 464.019(1), F.S.

to deny and the reasons for the denial. An applicant may request a hearing under chapter 120, Florida Statutes, on a notice of intent to deny.¹²

Nursing programs are currently offered in Florida by: public school districts, community colleges, state universities, private institutions licensed by the Commission for Independent Education (CIE), private institutions that are members of the Independent Colleges and Universities of Florida (ICUF), and Pensacola Christian College, which is statutorily authorized to offer a bachelor of science in nursing degree by s. 1005.06(1)(e), F.S.¹³

Some of the nursing programs offered by these institutions have *programmatic* accreditation. An “accredited program” is defined as:

[A] program for the prelicensure education of professional or practical nurses that is conducted in the United States at an educational institution, whether in this state, another state, or the District of Columbia, and that is *accredited by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education to accredit nursing education programs.*¹⁴

The specialized nursing accrediting agencies currently recognized by the United States Department of Education include: the Commission on Collegiate Nursing Education and the Accreditation Commission for Education in Nursing.¹⁵

Chapter 464, F.S., recognizes and distinguishes between nursing education programs that are approved by the BON and programs that are both approved by the BON and accredited.¹⁶ An approved program¹⁷ is required to submit an annual report to the BON which includes an affidavit certifying compliance with the program standards, and documentation for the previous

¹² Section 464.019(2), F.S. If the BON does not act on a program application within the 90-day review period, the program application is deemed approved. *Id.*

¹³ Office of Program Policy Analysis and Government Accountability, *Florida's Nursing Education Programs Continued to Expand in 2013, While Licensure Exams Passage Rates of New Programs Declined*, Report No. 14-03, 2 (Jan. 2014), available at <http://floridasnursing.gov/forms/oppaga-report-2014.pdf>. The Office of Program Policy Analysis and Government Accountability (OPPAGA) also notes that “[n]ursing education programs in Florida that hold specialized nursing accreditation by the National League for Nursing Accrediting Commission (NLNAC) or by the Collegiate Commission on Nursing Education (CCNE) are not regulated by the Florida Board of Nursing.” *Id.* Section 1005.06(1)(e), F.S., exempts schools from the CIE’s licensure requirements if the institution had been so exempted in 2001 under s. 246.085(1)(b), F.S. (2001), and maintains the following qualifying criteria: the institution is incorporated in this state; the institution’s credits or degrees are accepted for credit by at least three colleges that are fully accredited by an agency recognized by the U.S. Department of Education; the institution was exempt under that category prior to July 1, 1982, and the institution does not enroll any students who receive state or federal financial aid. Two institutions in Florida, Pensacola Christian College and Landmark Baptist College, are subject to this exemption. Landmark Baptist College does not offer a nursing program. Conversation with staff at the Commission for Independent Education (Mar. 11, 2014).

¹⁴ Section 464.003(1), F.S. (italics added).

¹⁵ United States Department of Education, *Accreditation in the United States: Specialized Accrediting Agencies*, https://www2.ed.gov/admins/finaid/accred/accreditation_pg7.html (last visited Mar. 14, 2014).

¹⁶ A program is initially approved by the BON and may voluntarily seek accreditation after initial approval. If a program becomes accredited, the program is not under the jurisdiction of the BON, unless, at some point, the program is no longer accredited. Conversation with staff at the Florida Board of Nursing (Mar. 14, 2014).

¹⁷ Section 464.003(4), F.S., defines an “approved program” as “a program for the prelicensure education of professional or practical nurses that is conducted in the state at an educational institution and that is approved under s. 464.019. The term includes such a program placed on probationary status.”

academic year that sets forth data related to the number of students who applied, were accepted, enrolled, and graduated; retention rates; and accreditation status.¹⁸ The BON, in turn, must post information on its website listing: all accredited programs and graduation rates for the most recent two years; approved programs that are not accredited; all documentation submitted in the application (for applications submitted on or after July 1, 2009); a summary description of the program's compliance with program standards, accreditation status, probationary status, graduate passage rates for the most recent two years, and retention rates; and for both approved and accredited programs, the average passage rates for the NCLEX.¹⁹ Approved programs must have a graduate passage rate on the NCLEX that is not lower than ten percent below the national average for two consecutive years. Failure to comply with the passage rate requirement results in the BON placing the program on probation or terminating the program entirely if not corrected within two years of being placed on probationary status.²⁰

The 2009 Legislature substantially revised and “streamline[d] the application process for new nursing programs” by restricting the BON’s rulemaking authority and codifying the program approval process in statute.²¹ The reason noted for streamlining the process was to significantly increase the number of approved programs that could produce graduates to address the state’s shortage of nurses.²²

As part of the revisions, the 2009 Legislature directed the Florida Center for Nursing and the Office of Program Policy Analysis and Government Accountability (OPPAGA) to study the five-year administration of the revised process and provide reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives, annually, beginning January 2011.²³ In its 2014 report, the OPPAGA reported that since July 2009:²⁴

- The BON has approved 231 new programs, which has increased the total number of programs by 139 percent;²⁵
- The number of available seats in nursing programs has increased by 180 percent;²⁶
- The overall enrollment has increased by 58 percent;²⁷
- The number of students graduating has increased by 30 percent;²⁸ and,
- The licensure exam passage rates of the approved programs created since 2009 that had graduates who took the NCLEX has declined—approximately 73 percent (82 of 112

¹⁸ Section 464.019(4), F.S.

¹⁹ Section 464.019(5), F.S.

²⁰ Section. 464.019(6)(a), F.S.

²¹ Section 2, ch. 2009-168, L.O.F.; see The Florida Senate Professional Staff of the Health and Human Services Appropriations Committee, *Bill Analysis and Fiscal Impact Statement for CS/CS/SB 2284*, 1, 6 (Apr. 22, 2009), available at <http://archive.flsenate.gov/data/session/2009/Senate/bills/analysis/pdf/2009s2284.ha.pdf>.

²² The Florida Senate Professional Staff of the Health and Human Services Appropriations Committee, *Bill Analysis and Fiscal Impact Statement for CS/CS/SB 2284*, 6 (Apr. 22, 2009), available at <http://archive.flsenate.gov/data/session/2009/Senate/bills/analysis/pdf/2009s2284.ha.pdf>.

²³ Section 2, ch. 2009-168, L.O.F.; see s. 464.019(11), F.S.

²⁴ Office of Program Policy and Government Accountability, Florida Legislature, *Florida’s Nursing Education Programs Continued to Expand in 2013, While Licensure Exams Passage Rates of New Programs Declined*, Report No. 14-03 (Jan. 2014) available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1403rpt.pdf>.

²⁵ *Id.* at 3.

²⁶ *Id.* at 4.

²⁷ *Id.* at 5.

²⁸ *Id.* at 6.

programs) had exam passage rates that were more than 10 percent below the national average for 2013.²⁹ Twenty-four of the programs were placed on probation and the remainder are at risk of being placed on probation if the licensure exam passage rates do not increase.³⁰

Specialized Nursing Education Program Accreditation

Accreditation is a voluntary process by which a non-governmental entity reviews and recognizes educational institutions or programs that meet or exceed standards for educational quality.³¹ Accreditation standards and criteria, materials demonstrating compliance, and policies and procedures are based on principles widely accepted and tested in general and professional education.³² The accreditation process—the standards, criteria, policies, and procedures—is subject to continuous and systematic review to ensure they stay current with developments in education and nursing.³³ Once a program is determined eligible—generally, having current state BON approval and evidencing capacity to meet accreditation standards—a program is required to submit documentation addressing faculty qualifications and experience, curriculum, available resources, and program self-evaluation/improvement processes.³⁴ In general, the accreditation process may include a self-evaluation report, peer review site visit, detailed analysis of materials and reviewer findings, and ultimate action by the accrediting body.³⁵ Accreditation is subject to ongoing reporting and assessment to ensure continued compliance with accreditation standards.³⁶ While programs may vary in the detail, among the criteria that may be used for evaluating program effectiveness are: completion rates, licensure pass rates, graduate employment, and procedures for ensuring ongoing program improvement.³⁷

Nurse Specialty Certification

A nurse may seek specialty certification beyond the education required for licensure.³⁸ Sometimes, however, specialty certification is a requirement of state licensure.³⁹ Currently, there are a wide range of specialty certification programs that are accredited by the National Commission for Certifying Agencies or the Accreditation Board of Nursing Specialties that provide specialty certification.⁴⁰

²⁹ *Id.* at 7 (noting that all of these programs were private institutions licensed by the Commission for Independent Education).

³⁰ Office of Program Policy and Government Accountability, Florida Legislature, *Florida's Nursing Education Programs Continued to Expand in 2013, While Licensure Exams Passage Rates of New Programs Declined*, Report No. 14-03, 7 (Jan. 2014) available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1403rpt.pdf>.

³¹ Accreditation Commission for Education in Nursing, *Accreditation Manual*, 1 (July 31, 2013), available at <http://www.acenursing.net/manuals/GeneralInformation.pdf>.

³² *Id.* at 3.

³³ *Id.*

³⁴ *Id.* at 12-14.

³⁵ *Id.* at 14-25.

³⁶ *Id.* at 13.

³⁷ Commission on Collegiate Nursing Education, *Standards for Accreditation of Baccalaureate and Graduate Nursing Programs*, 17-20 (2013), available at <http://www.aacn.nche.edu/ccne-accreditation/Standards-Amended-2013.pdf>.

³⁸ Section 464.012(1), F.S.

³⁹ *See* s. 464.012(1)(b), F.S.

⁴⁰ *See* American Board of Nursing Specialties, *Accreditation Board for Specialty Nursing Certification: Approved Certification Programs*, <http://nursingcertification.org/accreditation-exams.html> (last visited Mar. 14, 2014); Institute for Credentialing Excellence, *NCCA-Accredited Certification Programs*, <http://www.credentialingexcellence.org/p/cm/ld/fid=121> (last visited Mar. 14, 2014).

III. Effect of Proposed Changes:

CS/SB 1036 establishes a schedule for all registered nurse (RN) prelicensure programs approved by the Board of Nursing (BON) to become accredited by a specialized nursing accrediting agency that is recognized by the U.S. Secretary of Education.⁴¹

The bill amends s. 464.003, F.S., to expand the definition of “clinical training” to include clinical simulation. Under current law, “clinical training” only means “direct nursing care experiences with patients or clients which offer the student the opportunity to integrate, apply, and refine specific skills and abilities based on theoretical concepts and scientific principles,”⁴² and would not include the usage of simulation, which replicates clinical practice.⁴³ The expanded definition in the bill would allow clinical simulation to be part of, and meet requirements for, clinical training.

The bill amends s. 464.033, F.S., to expand the definition of “practice of practical nursing.”⁴⁴ The current statutory definition does not specifically allow a person in the practice of practical nursing to teach anyone.⁴⁵ The bill language would allow someone in the practice of practical nursing to teach “general principles of health and wellness to the public and to students other than nursing students.”⁴⁶

The bill amends s. 464.013, F.S., to exempt a nurse who is certified by a health care specialty program that is accredited by the National Commission for Certifying Agencies (NCCA) or Accreditation Board for Specialty Nursing Certification (ABSNC) from the biennial continuing education requirement.

The bill amends s. 464.019, F.S., to impose a schedule for nursing education programs that prepare students for the practice of professional nursing to become accredited by an accrediting agency described in s. 464.003(1), F.S. Accreditation is required by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education to accredit nursing education programs.

⁴¹ The programmatic accreditation requirement of the bill only applies to RN programs because it is required for a “program that prepares students for the practice of *professional nursing*.” CS/SB 1036, lines 480-499 (2014 Reg. Session) (emphasis added). A “registered nurse” is defined as “any person licensed in this state to practice *professional nursing*.” Section 464.003(22), F.S. (emphasis added). Whereas, a “licensed practical nurse” is defined as “any person licensed in this state to practice *practical nursing*” and, therefore, would not be required to become accredited under the language of the bill referring to “professional nursing” programs. Section 464.003(16), F.S. (emphasis added); see CS/SB 1036, lines 480-499 (2014 Reg. Session).

⁴² Section 464.003(10), F.S.

⁴³ Section 464.003(9), F.S.

⁴⁴ Section 464.003(19), F.S. “Practice of practical nursing” is defined as “the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm and the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist. A practical nurse is responsible and accountable for making decisions that are based upon the individual’s educational preparation and experience in nursing.” *Id.*

⁴⁵ In contrast to the current inability of a person practicing *practical nursing* to teach anyone, the practice of *professional nursing* allows for a *professional* nurse to engage in “[t]he supervision and *teaching of other personnel* in the *theory and performance* of any of the acts described in this subsection.” Section 464.003(20), F.S. (emphasis added).

⁴⁶ CS/SB 1036, lines 38-40 (Reg. Session). The “general principles of health and wellness” are not defined in s. 464.003, F.S.

Specifically, the bill requires that a nursing education program that prepares students for the practice of professional nursing that:

- Was approved by the BON and had enrolled students prior to July 1, 2014 must be an accredited program by July 1, 2019.
- Was approved by the BON before July 1, 2014, but did not enroll students before that date, must become an accredited program within five years of enrolling the program's first students.
- Is approved after June 30, 2014 must become an accredited program within five years of enrolling the program's first students.

In addition, the bill also:

- Exempts the Pensacola Christian College nursing education program from the requirement to become accredited.
- Increases the limit on clinical training that can be by simulation from 25 percent to 50 percent and specifies that required clinical training be at a health care facility that is located in the United States, the District of Columbia, or a possession or territory of the United States.
- Authorizes the BON to adopt rules to administer the documentation of the accreditation of nursing education programs.
- Repeals obsolete language related to the status of certain programs during the transition to the new approval process effective July 1, 2009.
- Repeals the requirement for the OPPAGA, in addition to the Florida Center for Nursing, to submit an annual report on the administration of the nursing education approval process and extends the report indefinitely.

The bill amends s. 456.014, F.S. to conform a cross-reference.

The bill takes effect on July 1, 2014.

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:

There are 21 Bachelor of Science in Nursing (BSN) programs⁴⁷ and 128 Associate Degree in Nursing (ADN) programs (offered by public and private institutions) that will need to become accredited and will incur associated accreditation costs.⁴⁸

For fiscal year 2014, the Commission on Collegiate Nursing Education imposes a new applicant fee of \$3,500 per baccalaureate program, \$5,500 for a baccalaureate and master's level programs, and \$7,500 for a baccalaureate, master's, and doctoral nursing programs; an evaluation fee of \$1,750 per evaluation team member (typically, 3-5 members are on an evaluation team); and an annual fee of \$2,468 to maintain accreditation for a baccalaureate program, \$2,975 for maintenance of a baccalaureate and master's level programs, and \$3,484 for maintenance of a baccalaureate, masters, and doctor of nursing programs.⁴⁹ The "2013-2014 Schedule of Accreditation Fees" for the Accreditation Commission for Education in Nursing charges a candidacy fee of \$2,500; an accreditation review fee of \$1,000 for initial or continuing accreditation (per program); a site visit fee of \$835 per evaluator per day; \$2,400 annual for maintenance of accreditation; and various service fees for additional services, as required.⁵⁰

C. Government Sector Impact:

There are 21 Bachelor of Science in Nursing (BSN) programs⁵¹ and 128 Associate Degree in Nursing (ADN) programs (offered by public and private institutions) that will need to become accredited and will incur associated accreditation costs.⁵²

For fiscal year 2014, the Commission on Collegiate Nursing Education imposes a new applicant fee of \$3,500 per baccalaureate program, \$5,500 for a baccalaureate and master's level programs, and \$7,500 for a baccalaureate, master's, and doctoral nursing programs; an evaluation fee of \$1,750 per evaluation team member (typically, 3-5 members are on an evaluation team); and an annual fee of \$2,468 to maintain accreditation for a baccalaureate program, \$2,975 for maintenance of a baccalaureate and master's level programs, and \$3,484 for maintenance of a baccalaureate, masters, and doctor of nursing programs.⁵³ The "2013-2014 Schedule of Accreditation Fees" for the Accreditation Commission for Education in Nursing charges a candidacy fee of \$2,500; an accreditation review fee of \$1,000 for initial or continuing accreditation (per

⁴⁷ Florida Department of Health, *Medical Quality Assurance (MQA) Services: Compare Florida Prelicensure Nursing Education Programs*, available at <http://ww2.doh.state.fl.us/MQANEP/SearchResults.aspx> (last visited Mar. 14, 2014).

⁴⁸ *Id.* (listing 107 ADN programs as "approved" and 21 programs as being on "probationary" status, which equals the combined total of 128 programs that are "approved" as defined in s. 464.003(4), F.S. and not accredited).

⁴⁹ Commission on Collegiate Nursing Education, *CCNE Fee Structure: Nursing Education Programs* (2013), available at <http://www.aacn.nche.edu/ccne-accreditation/FEESTR.pdf>.

⁵⁰ Accreditation Commission for Education in Nursing (ACEN), *2013-2014 Schedule of Accreditation Fees*, available at <http://www.acenursing.net/resources/fees1314.pdf>.

⁵¹ Florida Department of Health, *Medical Quality Assurance (MQA) Services: Compare Florida Prelicensure Nursing Education Programs*, <http://ww2.doh.state.fl.us/MQANEP/SearchResults.aspx> (last visited Mar. 14, 2014).

⁵² *Id.* (listing 107 ADN programs as "approved" and 21 programs as being on "probationary" status, which amounts to the combined total of 128 programs that are "approved" as defined in s. 464.003(4), F.S. and not accredited).

⁵³ Commission on Collegiate Nursing Education, *CCNE Fee Structure: Nursing Education Programs* (2013), available at <http://www.aacn.nche.edu/ccne-accreditation/FEESTR.pdf>.

program); a site visit fee of \$835 per evaluator per day; \$2,400 annual for maintenance of accreditation; and various service fees for additional services, as required.⁵⁴

There would be no fiscal impact, and “little to no impact” in general, on the State University System of Florida because all nursing programs within the State University System are accredited by the Accreditation Commission for Education in Nursing or the Commission on Collegiate Nursing Education.⁵⁵

No agency bill analysis was available at the time of this analysis from the Florida Department of Education regarding the fiscal impact on the Florida College System.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 464.003, 464.013, 464.019, and 456.014.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Health Policy on March 5, 2014:

- Specifies the type of certification a nurse must have to qualify for exemption from the CE requirements to be certification by a health care specialty program accredited by the NCCA or ABSNC.
- Requires clinical training to be at a health care facility within the U.S., the District of Columbia, or a possession or territory of the United States.
- Reinstates and increases the limit on clinical training that can be by simulation to 50 percent from 25 percent.
- Extends the study of the implementation of the nursing program approval process from a five-year review ending with a report released on or before January 30, 2015, to an ongoing annual review and report.

B. Amendments:

None.

⁵⁴ Accreditation Commission for Education in Nursing (ACEN), *2013-2014 Schedule of Accreditation Fees*, available at <http://www.acenursing.net/resources/fees1314.pdf>.

⁵⁵ Board of Governors of the State University System of Florida, SB 1036 Agency Legislative Bill Analysis (Mar. 11, 2014) (on file with the Senate Committee on Education).

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



576978

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
	.	
	.	
	.	

The Committee on Education (Stargel) recommended the following:

Senate Amendment

Delete lines 89 - 95
and insert:

1. Fifty percent clinical training at a facility in the United States, the District of Columbia, or a possession or territory of the United States for a practical nursing education program, an associate degree professional nursing education program, or a professional diploma nursing education program.

2. Forty percent clinical training at a



979206

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/17/2014	.	
	.	
	.	
	.	

The Committee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete lines 367 - 377
and insert:

(8) ~~(9)~~ RULEMAKING.—The board does not have ~~any~~ rulemaking authority to administer this section and may not impose any condition or requirement on an educational institution submitting a program application, an approved program, or an accredited program, except as expressly provided in this section. ~~that the~~

(a) The board shall adopt rules ~~a rule~~ that prescribe



979206

12 ~~prescribes~~ the format for submitting program applications under
13 subsection (1) and annual reports under subsection (3), and to
14 administer the documentation of the accreditation of nursing
15 education programs under subsection (11).

16 (b) The board shall adopt rules, applicable to approval of
17 a practical nursing education program, regarding educational
18 objectives, faculty qualifications, curriculum guidelines,
19 administrative procedures, and clinical training.

20 (c) The board shall adopt rules governing probation and
21 termination of practical nursing education programs that fail to
22 comply with the requirements of this section (4). ~~The board may~~
23 ~~not impose any condition or requirement on an educational~~
24 ~~institution submitting a program application, an approved~~
25 ~~program, or an accredited program, except as expressly provided~~
26 ~~in this section. The board shall repeal all rules, or portions~~
27 ~~thereof,~~

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

30 And the title is amended as follows:

31 Delete line 12

32 and insert:

33 the accreditation of nursing education programs and
34 the approval, probation, suspension, and termination
35 of practical nursing education programs;

By the Committee on Health Policy; and Senator Grimsley

588-02181-14

20141036c1

A bill to be entitled

An act relating to nursing education programs; amending s. 464.003, F.S.; revising definitions; amending s. 464.013, F.S.; exempting nurses who are certified by an accredited program from continuing education requirements; amending s. 464.019, F.S.; specifying the location of clinical training; revising the limitation on the percentage of clinical training that consists of clinical simulation; deleting obsolete requirements; authorizing the Board of Nursing to adopt certain rules relating to documenting the accreditation of nursing education programs; deleting the requirement that the Office of Program Policy Analysis and Government Accountability participate in an implementation study and revising the terms of the study; requiring nursing education programs that prepare students for the practice of professional nursing to be accredited; providing an exception; amending s. 456.014, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Subsections (10), (19), and (23) of section 464.003, Florida Statutes, are amended to read:

464.003 Definitions.—As used in this part, the term:

(10) "Clinical training" means direct nursing care experiences with patients or clients, or clinical simulation of such experiences, which offer the student the opportunity to

Page 1 of 18

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

588-02181-14

20141036c1

integrate, apply, and refine specific skills and abilities based on theoretical concepts and scientific principles.

(19) "Practice of practical nursing" means the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm; ~~and~~ the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist; and the teaching of general principles of health and wellness to the public and to students other than nursing students. A practical nurse is responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing.

(23) "Required passage rate" means the graduate passage rate required for an approved program pursuant to s.

464.019(5) (a) ~~464.019(6) (a)1-~~

Section 2. Subsection (3) of section 464.013, Florida Statutes, is amended to read:

464.013 Renewal of license or certificate.—

(3) The board shall by rule prescribe up to 30 hours of continuing education ~~not to exceed 30 hours~~ biennially as a condition for renewal of a license or certificate. A nurse who is certified by a health care specialty program accredited by the National Commission for Certifying Agencies or Accreditation Board for Specialty Nursing Certification is exempt from continuing education requirements. The criteria for programs shall be approved by the board.

Section 3. Section 464.019, Florida Statutes, is amended to

Page 2 of 18

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588-02181-14

20141036c1

59 read:

60 464.019 Approval of nursing education programs.—

61 (1) PROGRAM ~~APPLICATION APPLICATIONS~~.—An educational
 62 institution that wishes to conduct a program in this state for
 63 the prelicensure education of professional or practical nurses
 64 must submit to the department a program application and review
 65 fee of \$1,000 for each prelicensure nursing education program to
 66 be offered at the institution's main campus, branch campus, or
 67 other instructional site. The ~~Each~~ program application must
 68 include the legal name of the educational institution, the legal
 69 name of the nursing education program, and, if such institution
 70 ~~program is accredited by an accrediting agency other than an~~
 71 ~~accrediting agency described in s. 464.003(1)~~, the name of the
 72 accrediting agency. The application must also document that:

73 (a)1. For a professional nursing education program, the
 74 program director and at least 50 percent of the program's
 75 faculty members are registered nurses who have a master's or
 76 higher degree in nursing or a bachelor's degree in nursing and a
 77 master's or higher degree in a field related to nursing.

78 2. For a practical nursing education program, the program
 79 director and at least 50 percent of the program's faculty
 80 members are registered nurses who have a bachelor's or higher
 81 degree in nursing.

82
 83 The educational degree requirements of this paragraph may be
 84 documented by an official transcript or by a written statement
 85 from the educational institution verifying that the institution
 86 conferred the degree.

87 (b) The program's nursing major curriculum consists of at

Page 3 of 18

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588-02181-14

20141036c1

88 least:

89 1. Fifty percent clinical training at a health care
 90 facility in the United States, the District of Columbia, or a
 91 possession or territory of the United States for a practical
 92 nursing education program, an associate degree professional
 93 nursing education program, or a professional diploma nursing
 94 education program.

95 2. Forty percent clinical training at a health care
 96 facility in the United States, the District of Columbia, or a
 97 possession or territory of the United States for a bachelor's
 98 degree professional nursing education program.

99 (c) No more than 50 ~~25~~ percent of the program's clinical
 100 training consists of clinical simulation.

101 (d) The program has signed agreements with each agency,
 102 facility, and organization included in the curriculum plan as
 103 clinical training sites and community-based clinical experience
 104 sites.

105 (e) The program has written policies for faculty which
 106 include provisions for direct or indirect supervision by program
 107 faculty or clinical preceptors for students in clinical training
 108 consistent with the following standards:

109 1. The number of program faculty members equals at least
 110 one faculty member directly supervising every 12 students unless
 111 the written agreement between the program and the agency,
 112 facility, or organization providing clinical training sites
 113 allows more students, not to exceed 18 students, to be directly
 114 supervised by one program faculty member.

115 2. For a hospital setting, indirect supervision may occur
 116 only if there is direct supervision by an assigned clinical

Page 4 of 18

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

588-02181-14

20141036c1

117 preceptor, a supervising program faculty member is available by
118 telephone, and such arrangement is approved by the clinical
119 facility.

120 3. For community-based clinical experiences that involve
121 student participation in invasive or complex nursing activities,
122 students must be directly supervised by a program faculty member
123 or clinical preceptor and such arrangement must be approved by
124 the community-based clinical facility.

125 4. For community-based clinical experiences not subject to
126 subparagraph 3., indirect supervision may occur only when a
127 supervising program faculty member is available to the student
128 by telephone.

129

130 A program's policies established under this paragraph must
131 require that a clinical preceptor who is, ~~if~~ supervising
132 students in a professional nursing education program, ~~to~~ be a
133 registered nurse or, if supervising students in a practical
134 nursing education program, ~~to~~ be a registered nurse or licensed
135 practical nurse.

136 (f) The professional or practical nursing curriculum plan
137 documents clinical experience and theoretical instruction in
138 medical, surgical, obstetric, pediatric, and geriatric nursing.
139 A professional nursing curriculum plan shall also document
140 clinical experience and theoretical instruction in psychiatric
141 nursing. Each curriculum plan must document clinical training
142 experience in appropriate settings that include, but are not
143 limited to, acute care, long-term care, and community settings.

144 (g) The professional or practical nursing education program
145 provides theoretical instruction and clinical application in

588-02181-14

20141036c1

146 personal, family, and community health concepts; nutrition;
147 human growth and development throughout the life span; body
148 structure and function; interpersonal relationship skills;
149 mental health concepts; pharmacology and administration of
150 medications; and legal aspects of practice. A professional
151 nursing education program must ~~shall~~ also provide theoretical
152 instruction and clinical application in interpersonal
153 relationships and leadership skills; professional role and
154 function; and health teaching and counseling skills.

155 (2) PROGRAM APPROVAL.—

156 (a) Upon receipt of a program application and review fee,
157 the department shall examine the application to determine if
158 ~~whether~~ it is complete. If the a program application is not
159 complete, the department shall notify the educational
160 institution in writing of any errors or omissions within 30 days
161 after the department's receipt of the application. A program
162 application is deemed complete upon the department's receipt of:

163 1. The initial application, if the department does not
164 notify the educational institution of any errors or omissions
165 within the 30-day period; or

166 2. A revised application that corrects each error and
167 omission of which the department notifies the educational
168 institution within the 30-day period.

169 (b) Within 90 days after the department's receipt of a
170 complete program application, the board shall:

171 1. Approve the application if it documents compliance with
172 subsection (1) paragraphs (1)(a)-(g); or

173 2. Provide the educational institution with a notice of
174 intent to deny the application if it does not document

588-02181-14 20141036c1

175 compliance with subsection (1) paragraphs (1)(a)-(g). The notice
 176 must ~~specify set forth~~ written reasons for the board's denial of
 177 the application. The board may not deny a program application
 178 because of an educational institution's failure to correct an
 179 ~~any~~ error or omission ~~that of which~~ the department failed to
 180 provide notice of to ~~does not notify~~ the institution within the
 181 30-day notice period under paragraph (a). The educational
 182 institution may request a hearing on the notice of intent to
 183 deny the program application pursuant to chapter 120.

184 (c) A program application is deemed approved if the board
 185 does not act within the 90-day review period provided under
 186 paragraph (b).

187 (d) Upon the board's approval of a program application, the
 188 program becomes an approved program.

189 ~~(3) STATUS OF CERTAIN PROGRAMS. A professional or practical~~
 190 ~~nursing education program becomes an approved program if, as of~~
 191 ~~June 30, 2009, the program:~~

192 ~~(a) Has full or provisional approval from the board or,~~
 193 ~~except as provided in paragraph (b), is on probationary status.~~

194 ~~(b) Is on probationary status because the program did not~~
 195 ~~meet the board's requirement for graduate passage rates. Such~~
 196 ~~program shall remain on probationary status until it achieves a~~
 197 ~~graduate passage rate for calendar year 2009 or 2010 that equals~~
 198 ~~or exceeds the required passage rate for the respective calendar~~
 199 ~~year and must disclose its probationary status in writing to the~~
 200 ~~program's students and applicants. If the program does not~~
 201 ~~achieve the required passage rate, the board shall terminate the~~
 202 ~~program pursuant to chapter 120.~~

203 ~~(3)(4) ANNUAL REPORT.~~—By November 1 of each year, each

588-02181-14 20141036c1

204 approved program shall submit to the board an annual report
 205 comprised of an affidavit certifying continued compliance with
 206 subsection (1) paragraphs (1)(a)-(g), a summary description of
 207 the program's compliance with subsection (1) paragraphs (1)(a)-
 208 ~~(g)~~, and documentation for the previous academic year that, to
 209 the extent applicable, describes sets forth:

210 (a) The number of student applications received, qualified
 211 applicants, applicants accepted, accepted applicants who enroll
 212 in the program, students enrolled in the program, and program
 213 graduates.

214 (b) The program's retention rates for students tracked from
 215 program entry to graduation.

216 (c) The program's accreditation status, including
 217 identification of the accrediting agency ~~if such agency is not~~
 218 ~~an accrediting agency described in s. 464.003(1).~~

219 ~~(4)(5) INTERNET WEBSITE.~~—By October 1, 2010, The board
 220 shall publish the following information on its Internet website:

221 (a) A list of each accredited program conducted in the
 222 state and the program's graduate passage rates for the most
 223 recent 2 calendar years, which the department shall determine
 224 through the following sources:

225 1. For a program's accreditation status, the specialized
 226 accrediting agencies that are nationally recognized by the
 227 United States Secretary of Education to accredit nursing
 228 education programs.

229 2. For a program's graduate passage rates, the contract
 230 testing service of the National Council of State Boards of
 231 Nursing.

232 (b) The following data for each approved program, which

588-02181-14 20141036c1

233 ~~includes shall include~~, to the extent applicable:

234 1. All documentation provided by the program in its program
235 application if submitted on or after July 1, 2009.

236 2. The summary description of the program's compliance
237 submitted under subsection ~~(3)~~ (4).

238 3. The program's accreditation status, including
239 identification of the accrediting agency ~~if such agency is not~~
240 ~~an accrediting agency described in s. 464.003(1)~~.

241 4. The program's probationary status.

242 5. The program's graduate passage rates for the most recent
243 2 calendar years.

244 6. Each program's retention rates for students tracked from
245 program entry to graduation.

246 (c) The average passage rates for United States educated
247 first-time test takers on the National Council of State Boards
248 of Nursing Licensing Examination for the most recent 2 calendar
249 years, as calculated by the contract testing service of the
250 National Council of State Boards of Nursing. The average passage
251 rates shall be published separately for each type of comparable
252 degree program listed in subparagraph (5) (a)1. ~~sub-subparagraphs~~
253 ~~(6) (a)1.a.-d.~~

254
255 The information required to be published under this subsection
256 shall be made available in a manner that allows interactive
257 searches and comparisons of individual programs selected by the
258 website user. The board shall update the Internet website at
259 least quarterly with the available information.

260 (5) (6) ACCOUNTABILITY.—

261 (a)1. An approved program must achieve a graduate passage

588-02181-14 20141036c1

262 rate that is not more ~~lower~~ than 10 percentage points lower ~~less~~
263 than the average passage rate during the same calendar year for
264 graduates of comparable degree programs who are United States
265 educated, first-time test takers on the National Council of
266 State Boards of Nursing Licensing Examination ~~during a calendar~~
267 ~~year~~, as calculated by the contract testing service of the
268 National Council of State Boards of Nursing. For purposes of
269 this subparagraph, an approved program is comparable to all
270 degree programs of the same program type from among the
271 following program types:

272 a. Professional nursing education programs that terminate
273 in a bachelor's degree.

274 b. Professional nursing education programs that terminate
275 in an associate degree.

276 c. Professional nursing education programs that terminate
277 in a diploma.

278 d. Practical nursing education programs.

279 2. Beginning with graduate passage rates for calendar year
280 2010, if an approved program's graduate passage rates do not
281 equal or exceed the required passage rates for 2 consecutive
282 calendar years, the board shall place the program on
283 probationary status pursuant to chapter 120 and the program
284 director shall ~~must~~ appear before the board to present a plan
285 for remediation. The program must ~~shall~~ remain on probationary
286 status until it achieves a graduate passage rate that equals or
287 exceeds the required passage rate for any 1 calendar year. The
288 board shall deny a program application for a new prelicensure
289 nursing education program submitted by an educational
290 institution if the institution has an existing program that is

588-02181-14

20141036c1

291 already on probationary status.

292 3. Upon the program's achievement of a graduate passage
293 rate that equals or exceeds the required passage rate, the
294 board, at its next regularly scheduled meeting following release
295 of the program's graduate passage rate by the National Council
296 of State Boards of Nursing, shall remove the program's
297 probationary status. However, if the program, during the 2
298 calendar years following its placement on probationary status,
299 does not achieve the required passage rate for any 1 calendar
300 year, the board shall terminate the program pursuant to chapter
301 120.

302 (b) If an approved program fails to submit the annual
303 report required in subsection (3) ~~(4)~~, the board shall notify
304 the program director and president or chief executive officer of
305 the educational institution in writing within 15 days after the
306 due date of the annual report. The program director shall ~~must~~
307 appear before the board at the board's next regularly scheduled
308 meeting to explain the reason for the delay. The board shall
309 terminate the program pursuant to chapter 120 if it does not
310 submit the annual report within 6 months after the due date.

311 (c) An approved program on probationary status shall
312 disclose its probationary status in writing to the program's
313 students and applicants.

314 (6) ~~(7)~~ DISCLOSURE OF GRADUATE PASSAGE RATE DATA.—

315 (a) For each graduate of the program ~~an approved program's~~
316 ~~or accredited program's graduates~~ included in the calculation of
317 the program's graduate passage rate, the department shall
318 disclose to the program director, upon his or her written
319 request, the name, examination date, and determination of

Page 11 of 18

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588-02181-14

20141036c1

320 whether each graduate passed or failed the National Council of
321 ~~for~~ State Boards of Nursing Licensing Examination, if to the
322 ~~extent that~~ such information is provided to the department by
323 the contract testing service of the National Council of ~~for~~
324 State Boards of Nursing. The written request must specify the
325 calendar years for which the information is requested.

326 (b) A program director to whom confidential information
327 exempt from public disclosure pursuant to s. 456.014 is
328 disclosed under this subsection must maintain the
329 confidentiality of the information and is subject to the same
330 penalties provided in s. 456.082 for department employees who
331 unlawfully disclose confidential information.

332 (7) ~~(8)~~ PROGRAM CLOSURE.—

333 (a) An educational institution conducting an approved
334 program or accredited program in this state, at least 30 days
335 before voluntarily closing the program, shall notify the board
336 in writing of the institution's reason for closing the program,
337 the intended closure date, the institution's plan to provide for
338 or assist in the completion of training by the program's
339 students, and the arrangements for storage of the program's
340 permanent records.

341 (b) An educational institution conducting a nursing
342 education program that is terminated under subsection (5) ~~(6)~~ or
343 closed under subparagraph (9) (b) 3. ~~(10) (b) 3.~~—

344 1. May not accept or enroll new students.

345 2. Shall ~~Must~~ submit to the board within 30 days after the
346 program is terminated or closed a written description of how the
347 institution will assist in completing the ~~completion of~~ training
348 of ~~by~~ the program's students and the institution's arrangements

Page 12 of 18

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588-02181-14 20141036c1

349 for storage of the program's permanent records.

350 (c) If an educational institution does not comply with
351 paragraph (a) or paragraph (b), the board shall provide a
352 written notice explaining the institution's noncompliance to the
353 following persons and entities:

354 1. The president or chief executive officer of the
355 educational institution.

356 2. The Board of Governors, if the program is conducted by a
357 state university.

358 3. The district school board, if the program is conducted
359 by an educational institution operated by a school district.

360 4. The Commission for Independent Education, if the program
361 is conducted by an educational institution licensed under
362 chapter 1005.

363 5. The State Board of Education, if the program is
364 conducted by an educational institution in the Florida College
365 System or by an educational institution that is not subject to
366 subparagraphs 2.-4.

367 ~~(8)(9)~~ RULEMAKING.—The board does not have ~~any~~ rulemaking
368 authority to administer this section, except that the board
369 shall adopt rules ~~a rule~~ that prescribe ~~prescribes~~ the format
370 for submitting program applications under subsection (1) and
371 annual reports under subsection (3), ~~and to administer the~~
372 documentation of the accreditation of nursing education programs
373 under subsection (11) (4). The board may not impose any
374 condition or requirement on an educational institution
375 submitting a program application, an approved program, or an
376 accredited program, except as expressly provided in this
377 section. ~~The board shall repeal all rules, or portions thereof,~~

Page 13 of 18

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588-02181-14 20141036c1

378 ~~in existence on July 1, 2009, that are inconsistent with this~~
379 ~~subsection.~~

380 ~~(9)(10)~~ APPLICABILITY TO ACCREDITED PROGRAMS.—

381 (a) Subsections (1)-(3) ~~(1)-(4)~~, paragraph (4)(b) ~~(5)(b)~~,
382 and subsection (5) ~~(6)~~ do not apply to an accredited program. ~~An~~
383 ~~accredited program on probationary status before July 1, 2010,~~
384 ~~ceases to be subject to the probationary status.~~

385 (b) If an accredited program ceases to be accredited, the
386 educational institution conducting the program:

387 1. Within 10 business days after the program ceases to be
388 accredited, must provide written notice of the date that the
389 program ceased to be accredited to the board, the program's
390 students and applicants, and each entity providing clinical
391 training sites or community-based clinical experience sites for
392 the program. The educational institution must continue to
393 provide the written notice to new students, applicants, and
394 entities providing clinical training sites or community-based
395 clinical experience sites for the program until the program
396 becomes an approved program or is closed under subparagraph 3.

397 2. Within 30 days after the program ceases to be
398 accredited, must submit an affidavit to the board, signed by the
399 educational institution's president or chief executive officer
400 ~~which, that~~ certifies the institution's compliance with
401 subparagraph 1. The board shall notify the persons and
402 applicable entities listed in paragraph (7)(c) ~~subparagraph~~
403 ~~(8)(c)1.~~ ~~and the applicable entities listed in subparagraphs~~
404 ~~(8)(c)2.-5.~~ if an educational institution does not submit the
405 affidavit required by this subparagraph.

406 3. May apply to become an approved program under this

Page 14 of 18

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588-02181-14

20141036c1

407 section. If the educational institution:

408 a. Within 30 days after the program ceases to be
409 accredited, submits a program application and review fee to the
410 department under subsection (1) and the affidavit required under
411 subparagraph 2., the program shall be deemed an approved program
412 from the date that the program ceased to be accredited until the
413 date that the board approves or denies the program application.
414 The program application must be denied by the board pursuant to
415 chapter 120 if it does not contain the affidavit. If the board
416 denies the program application under subsection (2) or if
417 ~~because~~ the program application does not contain the affidavit,
418 the program shall be closed and the educational institution
419 conducting the program must comply with paragraph (7) (b) ~~(8) (b)~~.

420 b. Does not apply to become an approved program pursuant to
421 sub-subparagraph a., the program shall be deemed an approved
422 program from the date ~~that~~ the program ceased to be accredited
423 until the 31st day after that date. On the 31st day after the
424 program ceased to be accredited, the program shall be closed and
425 the educational institution conducting the program must comply
426 with paragraph (7) (b) ~~(8) (b)~~.

427 (10) (11) IMPLEMENTATION STUDY.—The Florida Center for
428 Nursing ~~and the education policy area of the Office of Program~~
429 ~~Policy Analysis and Government Accountability~~ shall study the
430 implementation 5-year administration of this section and submit
431 reports to the Governor, the President of the Senate, and the
432 Speaker of the House of Representatives in January of each year
433 following the effective date of this act by January 30, 2011, and
434 ~~annually thereafter through January 30, 2015~~. The annual reports
435 shall address the previous academic year; provide ~~set forth~~ data

Page 15 of 18

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588-02181-14

20141036c1

436 on the measures specified in paragraphs (a) and (b), as such
437 data becomes available; and include an evaluation of such data
438 for purposes of determining whether this section is increasing
439 the availability of nursing education programs and the
440 production of quality nurses. The department and each approved
441 program or accredited program shall comply with requests for
442 data from the Florida Center for Nursing ~~and the education~~
443 ~~policy area of the Office of Program Policy Analysis and~~
444 ~~Government Accountability~~.

445 (a) The Florida Center for Nursing ~~education policy area of~~
446 ~~the Office of Program Policy Analysis and Government~~
447 ~~Accountability~~ shall evaluate program-specific data for each
448 approved program and accredited program conducted in the state,
449 including, but not limited to:

- 450 1. The number of programs and student slots available.
- 451 2. The number of student applications submitted, the number
452 of qualified applicants, and the number of students accepted.
- 453 3. The number of program graduates.
- 454 4. Program retention rates of students tracked from program
455 entry to graduation.
- 456 5. Graduate passage rates on the National Council of State
457 Boards of Nursing Licensing Examination.
- 458 6. The number of graduates who become employed as practical
459 or professional nurses in the state.

460 (b) The Florida Center for Nursing shall evaluate the
461 board's implementation of the:

- 462 1. Program application approval process, including, but not
463 limited to, the number of program applications submitted under
464 subsection (1); the number of program applications approved and

Page 16 of 18

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588-02181-14 20141036c1

465 denied by the board under subsection (2); the number of denials
466 of program applications reviewed under chapter 120; and a
467 description of the outcomes of those reviews.

468 2. Accountability processes, including, but not limited to,
469 the number of programs on probationary status, the number of
470 approved programs for which the program director is required to
471 appear before the board under subsection (5) ~~(6)~~, the number of
472 approved programs terminated by the board, the number of
473 terminations reviewed under chapter 120, and a description of
474 the outcomes of those reviews.

475 ~~(c) For any state fiscal year in which the Florida Center
476 for Nursing does not receive legislative appropriations, the
477 education policy area of the Office of Program Policy Analysis
478 and Government Accountability shall perform the duties assigned
479 by this subsection to the Florida Center for Nursing.~~

480 (11) ACCREDITATION REQUIRED.-

481 (a) A nursing education program that prepares students for
482 the practice of professional nursing, that was approved under
483 this section before July 1, 2014, and that enrolled students
484 before July 1, 2014, must become an accredited program by July
485 1, 2019.

486 (b) A nursing education program that prepares students for
487 the practice of professional nursing, that was approved under
488 this section before July 1, 2014, but did not enroll students
489 before that date, must become an accredited program within 5
490 years after the date of enrolling the program's first students.

491 (c) A nursing education program that prepares students for
492 the practice of professional nursing and that is approved by the
493 board after June 30, 2014, must become an accredited program

588-02181-14 20141036c1

494 within 5 years after the date of enrolling the program's first
495 students.

496 (d) This subsection does not apply to a nursing education
497 program provided by an institution that is exempted from
498 licensure by the Commission for Independent Education under s.
499 1005.06(1)(e).

500 Section 4. Subsection (1) of section 456.014, Florida
501 Statutes, is amended to read:

502 456.014 Public inspection of information required from
503 applicants; exceptions; examination hearing.-

504 (1) All information required by the department of any
505 applicant shall be a public record and shall be open to public
506 inspection pursuant to s. 119.07, except financial information,
507 medical information, school transcripts, examination questions,
508 answers, papers, grades, and grading keys, which are
509 confidential and exempt from s. 119.07(1) and shall not be
510 discussed with or made accessible to anyone except the program
511 director of an approved program or accredited program as
512 provided in s. 464.019(6) ~~464.019(7)~~, members of the board, the
513 department, and staff thereof, who have a bona fide need to know
514 such information. Any information supplied to the department by
515 any other agency which is exempt from the provisions of chapter
516 119 or is confidential shall remain exempt or confidential
517 pursuant to applicable law while in the custody of the
518 department or the agency.

519 Section 5. This act shall take effect July 1, 2014.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-18-14

Meeting Date

Topic Nursing Education

Bill Number 1036
(if applicable)

Name Martha Decastro

Amendment Barcode _____
(if applicable)

Job Title Vice President for Nursing

Address 206 E College Ave

Phone 222 9800

Street

Tlth Fl 32301

City

State

Zip

E-mail martha@fha.org

Speaking: For Against Information

Representing Florida Hospital 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
APPEARANCE RECORD

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

3/18/14
Meeting Date

Topic Nursing Education Programs

Bill Number 1036
(if applicable)

Name David Gregory

Amendment Barcode _____
(if applicable)

Job Title Director of Institutional Relations

Address 250 Brent Lane

Phone 850-478-8496 x 2880

Pensacola FL 32503
City State Zip

E-mail dgregory@pcci.edu

Speaking: For Against Information

Representing Pensacola Christian College

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

18 Mar 2014
Meeting Date

Topic Nursing

Bill Number 1036
(if applicable)

Name Sandra Northam

Amendment Barcode _____
(if applicable)

Job Title _____

Address 6675 Weeping Willow Way
Street
Tall FL 32311
City State Zip

Phone 850-251-2283

E-mail snortham@aol.com

Speaking: For Against Information

Representing Rasmussen College

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Mar 18, 2014
Meeting Date

Topic Nursing Education

Bill Number 1036
(if applicable)

Name Matthew Holliday

Amendment Barcode _____
(if applicable)

Job Title Director, Governmental Relations

Address 8099 College Pkwy
Street

Phone 239-826-7864

Ft. Myers FL 33919
City State Zip

E-mail _____

Speaking: For Against Information

Representing Edison State College

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1206

INTRODUCER: Senator Montford

SUBJECT: Agricultural Industry Certifications

DATE: March 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McLaughlin	Klebacha	ED	Pre-meeting
2.	_____	_____	AG	_____
3.	_____	_____	AED	_____
4.	_____	_____	AP	_____

I. Summary:

SB 1206 SB 1206 establishes a process by which industry certifications for farm occupations are added to the list of certifications approved for funding in public schools and postsecondary institutions.

Specifically, the bill requires the Department of Agriculture and Consumer Services (DACS), in cooperation with the University of Florida, Florida Agriculture and Mechanical University and other appropriate entities, to annually furnish to the State Board of Education (SBE) and the Department of Education (DOE), industry certifications for farm occupations to be placed on the Industry Certification Funding List and the Postsecondary Industry Certification Funding List.

Additionally, the bill requires that the SBE use the expertise of the DACS to develop and adopt rules for implementing an industry certification process. The list of industry certifications approved by Workforce Florida, Inc., the DACS, and the DOE must be published and updated annually.

The bill requires the DOE to include the DACS in the analysis of collected student achievement and performance data in industry-certified career education programs and career-themed courses.

The bill provides an effective date of July 1, 2014.

II. Present Situation:

Section 1003.492, F.S., requires the State Board of Education (SBE) to work with Workforce Florida, Inc., to establish and adopt rules for implementing an industry certification process. The Department of Economic Opportunity (DEO) must identify an industry certification based on the

highest available national standards for specific industry certification to ensure student skill proficiency and to address emerging labor market and industry trends.¹

Current law requires the DEO to define industry certification.² The DEO currently defines industry certification as “a voluntary process, through which individuals are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills and competencies, resulting in the award of a time-limited credential that is nationally recognized and applicable to an occupation that is included in the workforce system’s targeted occupation list or determined to be an occupation that is critical, emerging, or addresses a local need.”³

The selection of industry certifications for academy courses and career-themed courses occurs in two phases. First, Workforce Florida, Inc. must determine industry certifications that meet the DEO definition and compile them into a list.⁴ Second, the Department of Education (DOE) must:

- Review the list;⁵
- Identify certifications that are academically rigorous and at least 150 hours in length;⁶
- Compile a preliminary list of industry certifications that qualify for additional weighted funding;⁷
- Consider district requests that industry certifications be added to the approved list;⁸ and
- Annually publish a final list.⁹

However, a regional workforce board or a school principal may apply to Workforce Florida, Inc., to request additions to the approved list of industry certification based on high-skill, high-wage, and high-demand job requirements in the regional economy.¹⁰

Workforce Florida, Inc.’s list includes 428 industry certifications.¹¹ From this list, the DOE has identified 201 industry certifications and 287 postsecondary industry certifications as eligible for funding in the 2013 - 2014 school year.¹² Most industry certifications require passage of a subject area examination and some combination of work experience, educational achievement, or on-the job training. The DOE has approved industry certification in such career fields as information technology, automotive and aircraft mechanics, welding, and nursing. Certifying

¹ Section 1003.492(2), F.S.

² *Id.*

³ Florida Department of Education, Division of Career and Adult Education, *Career and Professional Education Act CAPE*, at 1 (2012), available at <http://www.fldoe.org/workforce/pdf/CAPE-Act-TechAssist.pdf> (last visited Mar. 13, 2014).

⁴ Section 1003.492(2), F.S.; Rule 6A-6.0573(1)-(3), F.A.C.

⁵ Rule 6A-6.0573(3), F.A.C.

⁶ Rule 6A-6.0573(3)(b), F.A.C.

⁷ Rule 6A-6.0573(4), F.A.C.

⁸ Rule 6A-6.0573(4)(a)-(4)(b), F.A.C.

⁹ Rule 6A-6.0573(8), F.A.C.

¹⁰ Section 1003.492(2), F.S.

¹¹ Workforce Florida, Inc. Career and Professional Education (CAPE), *2013-14 Comprehensive Industry Certification List*, available at <http://careersourceflorida.com/wp-content/uploads/2014/02/2013-14ComprehensiveCondensedFINAL.pdf> (last visited Mar. 13, 2014).

¹² Rule 6A-6.0573(6), F.A.C. The Industry Certification Funding List is incorporated by reference in the rule. See also Florida Department of Education, Division of Career and Adult Education, *2013-14 Final Industry Certification Funding List* (2013), available at www.fldoe.org/workforce/fcpea/pdf/1314icfl.pdf (last visited Mar. 13, 2014).

entities include Adobe System, Apple Computer, Inc., Hewlett-Packard, Microsoft Corporation, the National Institute for Automotive Services Excellence, the American Welding Society, the Federal Aviation Administration, and Florida Department of Health.¹³

Industry certifications on the final approved list are eligible for additional weighted funding through the Florida Education Finance Program (FEFP).¹⁴ The list may include both industry certifications that are achievable in a secondary education program and those that have minimum age, grade-level, diploma or degree, post-graduation work experience of at least twelve months, or other requirements that make it impossible for the student to obtain full certification while in a public secondary school program. Funding industry certifications in which full certification cannot be achieved in a secondary program allows students to begin working toward these certifications while in high school, without having to fulfill all requirements before graduation.¹⁵

The DOE must also collect student achievement and performance data in industry-certified career education programs and career-themed courses and must work with Workforce Florida, Inc., in the analysis of collected data. The data collection and analyses must examine the performance of participating students over time. Performance factors must include, but are not limited to, graduation rates, retention rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, industry certification, and employer satisfaction.¹⁶

III. Effect of Proposed Changes:

The bill establishes a process by which industry certifications for farm occupations are added to the list of certifications approved for funding in public schools and postsecondary institutions. The process used is identical to that already in use for those industry certifications for occupations previously approved for funding.¹⁷

Additionally the bill requires the DACS, in cooperation with the Institute of Food and Agricultural Science at the University of Florida, the College of Agriculture and Food Sciences at Florida Agriculture and Mechanical University, secondary schools and other appropriate agencies, to annually provide to the state board and the DOE, information and industry certifications for farm occupations to be considered for placement on the Industry Certification Funding List and the Postsecondary Industry Certification Funding List.

The bill defines industry certification as a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a time-limited credential that is nationally recognized and must be at least one of the following:

- Within an industry that addresses a critical local or statewide economic need;
- Linked to an occupation that is included in the workforce system's targeted occupation

¹³See Florida Department of Education, Division of Career and Adult Education, *Industry Certification Funding List*, <http://www.fldoe.org/workforce/pdf/PS-ICFL.pdf>. (last visited Mar. 13, 2014).

¹⁴ Section 1011.62(1)(p), F.S.; Rule 6A-6.0573(3), F.A.C.

¹⁵ Section 1008.44(3), F.S.

¹⁶ Section 1003.492(3), F.S.

¹⁷ Section 1008.44, F.S.

list; or

- Linked to an occupation that is identified as emerging.

The bill requires the state board to use the expertise of the DACS to develop and adopt rules for implementing an industry certification process. The list of industry certifications approved by Workforce Florida, Inc., the DACS, and the DOE must be published and updated annually.

The bill requires the DOE to include the DACS in the analysis of collected student achievement and performance data in industry-certified career education programs and career-themed courses.

The bill provides an effective date of July 1, 2014.

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. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 570.07, 1003.492, and 1003.4935.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



136712

LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
03/18/2014	.	
	.	
	.	
	.	

The Committee on Education (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (43) is added to section 570.07,
Florida Statutes, to read:

570.07 Department of Agriculture and Consumer Services;
functions, powers, and duties.—The department shall have and
exercise the following functions, powers, and duties:

(43) In cooperation with the Institute of Food and
Agricultural Sciences at the University of Florida and the



136712

12 College of Agriculture and Food Sciences at Florida Agricultural
13 and Mechanical University, annually provide to the State Board
14 of Education and the Department of Education information and
15 industry certifications for farm occupations to be considered
16 for placement on the Industry Certification Funding List and the
17 Postsecondary Industry Certification Funding List pursuant to s.
18 1008.44. The information and industry certifications provided by
19 the department must be based upon the best available data.

20 Section 2. Section 1003.492, Florida Statutes, is amended
21 to read:

22 1003.492 Industry-certified career education programs.—

23 (1) Secondary schools offering career-themed courses, as
24 defined in s. 1003.493(1)(b), and career and professional
25 academies shall be coordinated with the relevant and appropriate
26 industry to prepare a student for further education or for
27 employment in that industry.

28 (2) As used in this section, the term "industry
29 certification" means a voluntary process through which students
30 are assessed by an independent, third-party certifying entity
31 using predetermined standards for knowledge, skills, and
32 competencies, and resulting in the award of a credential that is
33 nationally recognized and must be at least one of the following:

34 (a) Within an industry that addresses a critical local or
35 statewide economic need.

36 (b) Linked to an occupation that is included in the
37 workforce system's targeted occupation list.

38 (c) Linked to an occupation that is identified as emerging.

39 (3)~~(2)~~ The State Board of Education shall use the expertise
40 of Workforce Florida, Inc., and the Department of Agriculture



136712

41 and Consumer Services, to develop and adopt rules pursuant to
42 ss. 120.536(1) and 120.54 for implementing an industry
43 certification process.

44 (a) For nonfarm occupations, industry certification shall
45 ~~be defined by the Department of Economic Opportunity,~~ based upon
46 the highest available national standards for specific industry
47 certification, to ensure student skill proficiency and to
48 address emerging labor market and industry trends. A regional
49 workforce board or a school principal may apply to Workforce
50 Florida, Inc., to request additions to the approved list of
51 industry certifications based on high-skill, high-wage, and
52 high-demand job requirements in the regional economy. ~~The list~~
53 ~~of industry certifications approved by Workforce Florida, Inc.,~~
54 ~~and the Department of Education shall be published and updated~~
55 ~~annually by a date certain, to be included in the adopted rule.~~

56 (b) For farm occupations submitted pursuant to s. 570.07,
57 industry certification shall demonstrate student skill
58 proficiency and be based upon the best available data to address
59 critical local or statewide economic needs.

60 (4) The list of industry certifications approved by
61 Workforce Florida, Inc., the Department of Agriculture and
62 Consumer Services, and the Department of Education shall be
63 published and updated annually by a date certain, to be included
64 in the adopted rule.

65 (5)-(3) The Department of Education shall collect student
66 achievement and performance data in industry-certified career
67 education programs and career-themed courses and shall work with
68 Workforce Florida, Inc., and the Department of Agriculture and
69 Consumer Services in the analysis of collected data. The data



136712

70 collection and analyses shall examine the performance of
71 participating students over time. Performance factors shall
72 include, but not be limited to, graduation rates, retention
73 rates, Florida Bright Futures Scholarship awards, additional
74 educational attainment, employment records, earnings, industry
75 certification, and employer satisfaction. The results of this
76 study shall be submitted to the President of the Senate and the
77 Speaker of the House of Representatives annually by December 31.

78 Section 3. Subsection (3) of section 1003.4935, Florida
79 Statutes, is amended to read:

80 1003.4935 Middle grades career and professional academy
81 courses and career-themed courses.—

82 (3) Beginning with the 2012-2013 school year, if a school
83 district implements a middle school career and professional
84 academy or a career-themed course, the Department of Education
85 shall collect and report student achievement data pursuant to
86 performance factors identified under s. 1003.492(5) ~~s.~~
87 ~~1003.492(3)~~ for students enrolled in an academy or a career-
88 themed course.

89 Section 4. This act shall take effect July 1, 2014.

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

92 And the title is amended as follows:

93 Delete everything before the enacting clause
94 and insert:

95 A bill to be entitled
96 An act relating to agricultural industry
97 certifications; amending s. 570.07, F.S.; requiring
98 the Department of Agriculture and Consumer Services to



136712

99 annually provide to the State Board of Education and
100 the Department of Education information and industry
101 certifications for farm occupations to be considered
102 for placement on industry certification funding lists;
103 amending s. 1003.492, F.S.; defining the term
104 "industry certification"; requiring the state board to
105 adopt rules for implementing an industry certification
106 process for farm occupations; amending s. 1003.4935,
107 F.S.; conforming a cross-reference; providing an
108 effective date.

By Senator Montford

3-01149A-14

20141206__

1 A bill to be entitled
 2 An act relating to agricultural industry
 3 certifications; amending s. 570.07, F.S.; requiring
 4 the Department of Agriculture and Consumer Services to
 5 annually provide to the State Board of Education and
 6 the Department of Education information and industry
 7 certifications for farm occupations to be placed on
 8 industry certification funding lists; amending s.
 9 1003.492, F.S.; defining industry certification as
 10 part of career education programs; requiring the state
 11 board to adopt rules for implementing an industry
 12 certification process for farm occupations; requiring
 13 placement on funding lists to determine annual funding
 14 distributions to school districts and postsecondary
 15 institutions; amending s. 1003.4935, F.S.; conforming
 16 a cross-reference; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Subsection (43) is added to section 570.07,
 21 Florida Statutes, to read:

22 570.07 Department of Agriculture and Consumer Services;
 23 functions, powers, and duties.—The department shall have and
 24 exercise the following functions, powers, and duties:

25 (43) In cooperation with the Institute of Food and
 26 Agricultural Sciences of the University of Florida, Florida
 27 Agricultural and Mechanical University, secondary schools, and
 28 other appropriate agencies, to annually provide to the State
 29 Board of Education and the Department of Education information

Page 1 of 4

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

3-01149A-14

20141206__

30 and industry certifications for farm occupations to be placed on
 31 the Industry Certification Funding List and the Postsecondary
 32 Industry Certification Funding List pursuant to s. 1008.44. The
 33 information and industry certifications provided by the
 34 department must be based upon the best available data. In
 35 determining the best available data, the department may consult
 36 with the agricultural industry, the Institute of Food and
 37 Agricultural Sciences at the University of Florida, Florida
 38 Agricultural and Mechanical University, secondary schools, and
 39 other appropriate agencies.

40 Section 2. Section 1003.492, Florida Statutes, is amended
 41 to read:

42 1003.492 Industry-certified career education programs.—

43 (1) Secondary schools offering career-themed courses, as
 44 defined in s. 1003.493(1)(b), and career and professional
 45 academies shall be coordinated with the relevant and appropriate
 46 industry to prepare a student for further education or for
 47 employment in that industry.

48 (2) As used in this section, the term "industry
 49 certification" means a voluntary process through which students
 50 are assessed by an independent, third-party certifying entity
 51 using predetermined standards for knowledge, skills, and
 52 competencies, and resulting in the award of a time-limited
 53 credential that is nationally recognized and applicable to an
 54 occupation that is included in the workforce system's targeted
 55 occupation list or determined to be an occupation that is
 56 critical or emerging or addresses a local need.

57 (3)+(2) The State Board of Education shall use the expertise
 58 of Workforce Florida, Inc., to develop and adopt rules pursuant

Page 2 of 4

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

3-01149A-14

20141206__

59 to ss. 120.536(1) and 120.54 for implementing an industry
 60 certification process for nonfarm occupations. Industry
 61 certification shall be ~~defined by the Department of Economic~~
 62 ~~Opportunity~~, based upon the highest available national standards
 63 for specific industry certification, to ensure student skill
 64 proficiency and to address emerging labor market and industry
 65 trends. A regional workforce board or a school principal may
 66 apply to Workforce Florida, Inc., to request additions to the
 67 approved list of industry certifications based on high-skill,
 68 high-wage, and high-demand job requirements in the regional
 69 economy. The list of industry certifications approved by
 70 Workforce Florida, Inc., and the Department of Education shall
 71 be published and updated annually by a date certain, to be
 72 included in the adopted rule.

73 (4) The Legislature finds that the agricultural industry is
 74 critical to the state's economy and declares that industry
 75 certification for farm occupations is critical, addresses a
 76 local need, and is required for job growth. The State Board of
 77 Education shall use the expertise of the Department of
 78 Agriculture and Consumer Services to develop and adopt rules by
 79 July 1, 2015, pursuant to ss. 120.536(1) and 120.54 for
 80 implementing an industry certification process for farm
 81 occupations. Industry certifications for farm occupations
 82 meeting the rules adopted by the State Board of Education shall
 83 annually be placed on the Industry Certification Funding List
 84 and the Postsecondary Industry Certification Funding List
 85 pursuant to s. 1008.44.

86 ~~(5)(3)~~ The Department of Education shall collect student
 87 achievement and performance data in industry-certified career

Page 3 of 4

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

3-01149A-14

20141206__

88 education programs and career-themed courses and shall work with
 89 Workforce Florida, Inc., and the Department of Agriculture and
 90 Consumer Services in the analysis of collected data. The data
 91 collection and analyses shall examine the performance of
 92 participating students over time. Performance factors shall
 93 include, but not be limited to, graduation rates, retention
 94 rates, Florida Bright Futures Scholarship awards, additional
 95 educational attainment, employment records, earnings, industry
 96 certification, and employer satisfaction. The results of this
 97 study shall be submitted to the President of the Senate and the
 98 Speaker of the House of Representatives annually by December 31.

99 Section 3. Subsection (3) of section 1003.4935, Florida
 100 Statutes, is amended to read:

101 1003.4935 Middle grades career and professional academy
 102 courses and career-themed courses.—

103 (3) Beginning with the 2012-2013 school year, if a school
 104 district implements a middle school career and professional
 105 academy or a career-themed course, the Department of Education
 106 shall collect and report student achievement data pursuant to
 107 performance factors identified under s. 1003.492(5) s-
 108 ~~1003.492(3)~~ for students enrolled in an academy or a career-
 109 themed course.

110 Section 4. This act shall take effect July 1, 2014.

Page 4 of 4

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/18/14
Meeting Date

Topic Agriculture Industry Certifications

Bill Number 1206
(if applicable)

Name Adam Basford

Amendment Barcode 130712
(if applicable)

Job Title Legislative Affairs Director

Address 315 S Calhoun St

Phone _____

Tallahassee FL 32301
City State Zip

E-mail _____

Speaking: For Against Information

Representing Florida Farm Bureau

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/16/14
Meeting Date

Topic Agriculture Industry Certification

Bill Number 1206
(if applicable)

Name FRANKIE HALL

Amendment Barcode 136712
(if applicable)

Job Title Director of Policy

Address 315 S Carlton St
Street

Phone _____

Tallahassee FL 32301
City State Zip

E-mail _____

Speaking: For Against Information

Representing Agriculture Service Technology, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/14

Meeting Date

Topic ~~Ag~~ Ag Certifications

Bill Number SB 1206
(if applicable)

Name Brewster Bevis

Amendment Barcode _____
(if applicable)

Job Title Senior Vice President

Address 516 W. Adams St

Phone 224-7173

Street

Tallahassee FL 32301

City

State

Zip

E-mail bbevis@aif.com

Speaking: For Against Information

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/2014
Meeting Date

Topic Ag Industry Certifications

Bill Number 1206
(if applicable)

Name Grace Lovett

Amendment Barcode _____
(if applicable)

Job Title Dir. of Legislative Affairs

Address PL 10 The Capitol
Street
Tallahassee FL 32399
City State Zip

Phone 850 617 7700

E-mail grace.lovett@freshfrom
florida.com

Speaking: For Against Information

Representing FL. Dept. of Agriculture & Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-18-14

Meeting Date

Topic Ag certifications

Bill Number SB 1206
(if applicable)

Name Ronnie Simmons

Amendment Barcode _____
(if applicable)

Job Title Exec Director

Address 5700 SW 34th St, Ste 106

Phone 352-378-0060

Street

Gainesville FL 32608

City

State

Zip

E-mail Ronnie.Simmons@flffa.org

Speaking: For Against Information

Representing Florida FFA 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: SB 1226

INTRODUCER: Senator Montford

SUBJECT: Education

DATE: March 17, 2014

REVISED: _____

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

I. Summary:

SB 1226 repeals discontinued or unfunded programs, corrects cross references, removes antiquated effective dates, eliminates duplicate reporting requirements, repeals concluded pilot programs, and updates terminology.

The bill clarifies the graduation requirements for certain high school students. In the 2013 session the Legislature passed SB 1076 which, in part, dealt with course and testing requirements for high school graduation. The bill explains how the new graduation requirements impact students who were in high school before SB 1076 passed.

The bill removes references to repealed s. 1003.428, F.S., (old high school graduation requirements) and s. 1003.429, F.S., (old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (new standard high school diploma requirements), s. 1003.4281, F.S., (early high school graduation), and s. 1002.3105(5), F.S., (new 18-credit high school graduation option).

The bill has an effective date upon becoming law.

II. Present Situation:

SB 1226 is a coordinated effort by the Governor, the Legislature, district school superintendents, and other education stakeholders to reduce regulation of public educational institutions. In October 2012, the Governor selected seven district school superintendents to formulate recommendations for eliminating unnecessary or outdated statutes and State Board of Education rules. The DOE distributed a statewide survey soliciting recommendations from the

remaining 60 superintendents. The statutes proposed for repeal by this bill are the product of these continuing efforts.

III. Effect of Proposed Changes:

Auditor General Reporting Requirements

Section 11.45, F.S., requires the Auditor General (AG) to annually conduct a financial audit of all state universities and state colleges.¹ The AG is also required to annually conduct a financial audit of the accounts and records of all district school boards in counties with a population of fewer than 150,000.²

District school boards in counties with a population of more than 150,000 receive financial audits once every 3 years.³ The AG conducts operational audits of the accounts and records of state universities, state colleges, and district school boards at least every three years.⁴

Upon conclusion of an audit, the AG discusses the audit with the official whose office is subject to audit and if there are any findings provides a list of the AG's findings, which may be included in the audit report.⁵

However, the AG is only required to notify the Joint Legislative Auditing Committee (JLAC) of any audit review which indicates that a state university or state college has failed to take corrective action in response to a recommendation which was included in two preceding financial or operational audit reports.⁶ There is no requirement that the AG notify JLAC that a school district has failed to take corrective action in response to recommendations.

The bill amends s. 11.45, F.S., requiring the AG to notify the JLAC of any audit review which indicates that a school district has failed to take corrective action in response to a recommendation included in two preceding financial or operational audit reports.

Administrative Procedures Act - Agency Review, Revision, and Report

Chapter 120, F.S., the Administrative Procedures Act (APA), establishes the process for administrative rulemaking. Rulemaking authority is delegated by the Legislature⁷ through statute and authorizes or requires an agency to "adopt, develop, establish, or otherwise create" a rule.⁸

Section 120.74(1), F.S., requires agencies to review their rules and perform the following:

- Identify and correct deficiencies;
- Clarify and simplify rules;

¹ Section 11.45(2)(c), F.S.

² Section 11.45(2)(d), F.S.

³ Section 11.45(2)(e), F.S.

⁴ Section 11.45(2)(f), F.S.

⁵ Section 11.45(4)(d), F.S.

⁶ Section 11.45(7)(j), F.S.

⁷ *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla.1st DCA 2000).

⁸ Section 120.52(17), F.S.

- Delete obsolete or unnecessary rules;
- Delete rules that are redundant of statutes;
- Improve efficiency, reduce paperwork, or decrease cost to government and the private sector;
- Confer with agencies having concurrent jurisdiction and determine whether their rules can be coordinated; and
- Determine whether rules should be amended or repealed to reduce the impact on small business while meeting the stated objectives of the proposed rules.

By October 1 of each odd-numbered year, each agency must file a report with the President of the Senate, the Speaker of the House of Representatives, and the Joint Administrative Procedures Committee (JAPC), and each substantive committee of the Legislature, certifying, among other things, that the agency reviewed its rules in accordance with s. 120.74(1) F.S., and detailing changes made to the agency's rules as a result of the review.⁹

By July 1 of each year each agency must file with the President of the Senate, the Speaker of the House of Representatives, and the Administrative Procedures Committee a regulatory plan identifying and describing each rule the agency proposed to adopt for the 12 month period beginning on the July 1 reporting date and ending on the subsequent June 30,¹⁰ excluding emergency rules.¹¹

The bill amends s. 120.74, F.S., to exclude school districts, Florida College System (FCS) institutions, the Florida School for the Deaf and the Blind, and State University System (SUS) institutions from the rule review and reporting requirements. These entities otherwise adopt and review rules pursuant to specific requirements of law and are subject to legislative oversight by the various education committees.

Learning Gateway

Sections 411.226, 411.227, and 411.228, F.S., enacted in 2002, established the Learning Gateway program, a 3-year demonstration program “to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9.” An 18 member steering committee was to have been appointed to ensure that parents had access to necessary services and support.¹² The original appropriation for the program was vetoed in 2002.¹³ This program has never been funded.

The bill repeals ss. 411.226, 411.227, and 411.228, F.S., relating to the Learning Gateway program.

⁹ Section 120.74(2), F.S.

¹⁰ Section 120.74(3), F.S.

¹¹ Section 120.54(4)(a), F.S.

¹² Section 411.226, F.S.

¹³ Specific Appropriation 119A, Chapter 2002-394, s. 2, Laws of Fla.

Truancy Petition; Prosecution; Disposition

Section 984.151(1), F.S., authorizes the district school superintendent to file a truancy petition if the school determines that a student subject to compulsory school attendance has had at least 5 unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90 calendar day period or has had more than 15 unexcused absences in a 90 calendar day period.

The bill amends s. 984.151(1), F.S., allowing the district school superintendent's designee to file a truancy petition.

Education Governance Transfers

Section 1000.01(5), F.S.,¹⁴ abolished the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Committee effective July 1, 2001. The powers, duties, functions, records, personnel, property, unexpended balances of appropriation allocations, other funds, administrative authority; administrative rules; pending issues, and existing contracts of the Board of Regents, the State Board of Community Colleges, the Articulation Coordinating Committee, and the Education Standards Commission were transferred to the State Board of Education (state board).

The bill repeals s. 1000.01(5), F.S., relating to the education governance transfers because the transfers have already occurred. The language is obsolete.

Regional Education Compact and Interstate Compact on Educational Opportunity for Military Children

Sections 1000.33 and 1000.37, F.S., requires the Secretary of State to furnish an enrolled copy of Florida's law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact.

Regional Education Compact

The Regional Education Compact promotes the development and maintenance of regional education services and facilities in the Southern States in the professional, technological, scientific, literary, and other fields so as to provide greater educational advantages.¹⁵

The Southern Regional Education Board's website provides information on which states are participating in the Regional Education Compact.¹⁶

¹⁴ Formerly s. 229.003, F.S., (Florida education governance reorganization) as amended by Chapter 2001-170, s. 3, Laws of Fla.

¹⁵ Section 1000.32, F.S.

¹⁶ Southern Regional Education Board (SREB), *About SREB*, http://www.sreb.org/page/1068/about_SREB.html (last visited Mar. 10, 2014).

The Interstate Compact on Educational Opportunity for Military Children

The Interstate Compact on Educational Opportunity for Military Children enables member states to uniformly address educational transition issues faced by military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, and graduation for children of active-duty military families.¹⁷ Member states are required to establish an “Interstate Commission on Educational Opportunity” to oversee the governance of the compact. The commission’s website provides information on which states are participating in the compact.¹⁸

The bill repeals ss. 1000.33 and 1000.37, F.S., requiring the Secretary of State to furnish an enrolled copy of Florida’s law enacting the Regional Education Compact and the Interstate Compact on Educational Opportunity for Military Children to all states, respectively, that are members of the compact. The information relating to the compacts and states that are members of the compacts can be located online.

Commissioner of Education

Section 1001.10(6)(h), F.S., provides the Commissioner of Education the power and duty to develop and implement a plan for cooperating with the federal government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purpose.

In 2006, this section of law was amended to require the commissioner to submit to the Legislature a proposed state plan for the reauthorization of the No Child Left Behind (NCLB) Act before the plan is submitted to federal agencies. The President of the Senate and the Speaker of the House of Representatives were to appoint members of the appropriate education and appropriations committees to serve as a select committee to review the proposed state plan.¹⁹

Florida has never sent a state plan to the United States Department of Education for the reauthorization of the NCLB Act. The bill repeals s. 1001.10(6)(h), F.S., due to the fact that states do not have authority to reauthorize or plan reauthorization of a federal law, only the United State Congress has that authority.

Section 1001.10(6)(k), F.S., requires the commissioner to maintain a Citizen Information Center responsible for the preparation, publication, and dissemination of user-friendly materials relating to K-12 scholarship programs and Voluntary Prekindergarten (VPK) Education programs. According to the Department of Education (DOE) there is no Citizen Information Center.²⁰

¹⁷ Section 1000.36, F.S.

¹⁸ Military Interstate Children’s Compact Commission (MIC3), *MIC3 In The United States*, available at http://mic3.net/pages/contact/contactmic3_map.aspx (last visited Mar. 10, 2014).

¹⁹ Chapter 2006-74, s. 7, Laws of Fla.

²⁰ Telephone conversation with staff, Florida Department of Education, Office of Governmental Relations (February 12, 2014).

The bill amends s. 1001.10(6), F.S., to remove the requirement for the commissioner to submit a reauthorization plan of the NCLB Act and removes the reference to the Citizen Information Center. However, the commissioner is still responsible for dissemination of materials relating to K-12 scholarship programs and VPK Education programs, which is done through various divisions within DOE.

Educational Television

Section 1001.25, F.S., authorizes DOE to establish a television network. DOE is required, through educational television or other electronic media, to extend educational services to all the state system of public education, except SUS institutions. DOE established a television network known as the Knowledge Network. The Knowledge Network was discontinued as of July 1, 2011. DOE only has on its website under public broadcasting links to public broadcasting system sites, the Florida Channel, and Florida Public Radio Stations. The bill repeals s. 1001.25, F.S.

Section 1001.26, F.S., provides that the public broadcasting system for Florida is administered by DOE pursuant to rules adopted by the state board. The DOE has not adopted rules. However, the law is self-executing and no rules are necessary.

The bill amends s. 1001.26, F.S., to:

- Remove the requirement that the state board adopt rules for the administration of the program.
- Revise DOE's administrative duties to simply distribute funds as appropriated by the Legislature.
- Remove the requirement that the public broadcasting system must complement and share resources with the instructional programming services of DOE and educational Ultra High Frequency (UHF), Very High Frequency (VHF), Educational Broadband Services (EBS), and Frequency Modulation (FM) stations in the state. DOE no longer provides instructional programming.
- Remove the requirement that the public broadcasting system must include support for new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or provide a significant new program service as defined by state board rule.²¹

The bill imports from repealed s. 1001.25, F.S., that the facilities, plant, or personnel of any educational television station that is supported in whole or in part by state funds may not be used directly or indirectly for the promotion, advertisement, or advancement of any political candidate for any municipal, county, legislative, congressional, or state office; that fair, open and free discussion between political candidates for municipal, county, legislative, congressional, or state office may be permitted in order to help materially reduce the excessive cost of campaigns and to ensure that the state's citizens are fully informed about issues and candidates in campaigns; and that violation of any prohibition contained in this section is a misdemeanor of the second degree.

²¹ FCC Rules Governing Public TV and Radio, *Non-Profit Media*, available at <http://transition.fcc.gov/osp/inc-report/INoC-31-Nonprofit-Media.pdf> (last visited Mar. 10, 2014).

District School Superintendent Salary

Section 1001.47(7), F.S., provides that for fiscal year 2009 - 2010 the salary of each elected district school superintendent be reduced by two percent.

The bill repeals s. 1001.47(7), F.S., removing the authorization to reduce each elected district school superintendent's 2009 - 2010 salary by two percent. The reduction in the salaries of elected district school superintendents only applied to fiscal year 2009 - 2010.

Section 1001.50(6), F.S., encourages district school boards and superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least five percent.

The bill repeals s. 1001.50(6), F.S., removing the option for district school boards and superintendents to review the superintendent's annual remuneration for the 2009 - 2010 fiscal year and mutually agree to a reduction of at least five percent. The reduction in the salaries of superintendent's annual remuneration only applied to fiscal year 2009 - 2010.

Transfer of Benefits

Section 1001.62, F.S., requires: "All local or special acts in force on July 1, 1968, that provide benefits for a Florida College System institution through a district school board shall continue in full force and effect, and such benefits shall be transmitted to the FCS institution board of trustees." The transfer of benefits arising under local or special acts occurred in 1968.

The bill repeals s. 1001.62, F.S., removing outdated language relating to the transfer of benefits arising under local or specials acts.

Controlled Open Enrollment Plan

Section 1002.31, F.S., authorizes, but does not require, each school district to offer controlled open enrollment,²² yet requires each school district to develop a controlled open enrolment plan and submit the plan to the commissioner. Districts must develop a system of priorities for the controlled open enrollment plan that includes consideration of the following:

- An application process required to participate in the controlled open enrollment program.
- A process that allows parents to declare school preferences.
- A process that encourages placements of siblings within the same school.
- A lottery procedure used by the school district to determine student assignment.
- An appeal process for hardship cases.
- Procedures to maintain socioeconomic, demographic, and racial balance.
- Availability of transportation.
- A process that promotes strong parental involvement, including the designation of a parent liaison.

²² Florida Department of Education, Office of Independent Education & Parental Choice, *Controlled Open Enrollment*, available at <http://www.floridaschoolchoice.org/Information/ControlledOpenEnrollment>, (last visited Mar. 10, 2014).

- A strategy that establishes a clearing house of information designed to assist parents in making informed choices.²³

The bill amends s. 1002.31, F.S., requiring only the school districts offering controlled open enrollment to submit a controlled open enrollment plan to the commissioner.

Charter Schools and Charter Technical Career Centers

Section 1002.33(6)(a), F.S., requires as part of the charter school application process that applicants provide documentation of participation in training provided by the DOE, contrary to other law that requires training only after an applicant has been approved.²⁴ This required training would have to be done before the applicant was approved to open a charter school.

Section 1002.34(6)(d), F.S., requires DOE to offer or arrange for training and technical assistance to charter technical career center applicants in developing business plans and estimating costs and income. The assistance must address estimating startup cost, projecting enrollment, and identifying the types and amounts of state and federal financial assistance the center may be eligible to receive. The training must include instruction in accurate financial planning and good business practices. Charter technical career center applicants are required to participate in training provided by DOE before filing an application.

The bill amends ss. 1002.33(6)(a), and 1002.34(6)(d), F.S., removing the requirement that DOE train applicants before they have been approved in order to conform with changes made to the law in 2011²⁵ that simply requires DOE to offer or arrange for training and technical assistance to approved applicants. Approved applicants must participate in training at least 30 days before the first day of classes.²⁶

Charter Schools and Charter Technical Career Centers / Financial Conditions and Financial Emergencies

Section 1002.345, F.S., provides that a charter school or a charter technical career center is subject to an expedited review by the sponsor if one of the following occurs:

- Failure to provide for an audit.
- Failure to comply with reporting requirements.
- Receipt of an annual audit or monthly financial statement identifying a deteriorating financial condition, or notification of a financial emergency.

A sponsor must notify the charter school's or center's governing board within 7 business days after one of these conditions occurs. The commissioner must annually report to the state board each charter school and charter technical career center that is subject to a financial recovery plan or corrective action plan.

²³ Section 1003.31(5), F.S.

²⁴ See s. 1003.33(6)(f), F.S.

²⁵ Chapter 2011-232, s. 3, Laws of Fla.

²⁶ Section 1002.33(6)(f), F.S.

The bill amends s. 1002.345, F.S., reiterating that high-performing charter schools are only required to submit quarterly financial statements to their sponsors. The bill requires the sponsor to notify the commissioner of the need for an expedited review. This will provide the commissioner with a timeframe for when to expect the corrective action plan from the governing board and sponsor.

The bill also removes the requirement that the commissioner must annually report to the state board each charter school and charter technical career center that is subject to a financial recovery plan or a corrective action plan. Whether a charter school or charter technical career center is subject to a financial recovery plan or corrective action plan is between the charter school or center and its sponsor, the school district – this has nothing to do with the state board. Requiring the commissioner to report such information to the state board is without consequence in that the state board is not authorized by law to do anything about the situation – it is a local issue, up until such time a school district revokes or refuses to renew a charter or center and the charter or center chooses to appeal to the state board.

John M. McKay Scholarship

The John M. McKay Scholarships for Students with Disabilities Program provides scholarships for eligible students with disabilities to attend an eligible public or private school of their choice. To be eligible to receive a McKay Scholarship, the student must:

- Have received specialized instructional services under the Voluntary Prekindergarten Education Program during the previous school year and have a current individual educational plan (IEP) or a 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973;
- Have spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind; or
- Have been enrolled and reported by a school district for funding, during the October and February Florida Education Finance Program (FEFP) surveys, in any of the 5 years prior to 2010 - 2011 fiscal year; have a current IEP no later than June 30, 2011; and receive a first-time McKay Scholarship for the 2011-2012 school year.

Section 1002.39(2)(a)3, F.S., expanded the eligibility window for students to qualify for a McKay Scholarship for one year only. Students who spent any of the 5 years in public school prior to the 2010 - 2011 fiscal year could apply by June 30, 2011. This application period has expired. Students who qualified under this provision and received a McKay Scholarship will continue to receive the scholarship until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.

The bill amends s. 1002.39(2)(a)3., F.S., removing the outdated language expanding the eligibility window for students to qualify for a McKay Scholarship. The time parameter has expired.

K-8 Virtual School Programs

In 2003, the Legislature authorized DOE to create a minimum of two pilot K-8 virtual schools. The schools were established as independent, statewide public schools that use online and distance learning technology to deliver instruction to full-time students in kindergarten through grade eight.²⁷

In 2006, the Legislature removed the program's pilot status and statutorily codified the K-8 Virtual School Program as a statewide educational choice program within DOE.²⁸ The K-8 Virtual School Program is subject to annual legislative appropriation. The K-8 Virtual School Program reported 0 FTE in the 2012 - 2013 FEFP third calculation and .17 FTE for the 2012-2013 fifth calculation.

The bill repeals s. 1002.415, F.S., eliminating the K-8 Virtual School Program under this section because no students are enrolled. However, this does not eliminate the program because the program was transferred to Palm Beach and Palm Beach receives FEFP funding for this program.

Professional Credentials of Prekindergarten Instructors

Section 1002.65, F.S., enacted in 2004,²⁹ established aspirational goals for the 2010 - 2011 academic year that included the following:

- Each prekindergarten class will have at least one prekindergarten instructor who holds an associate's or higher degree in the field of early childhood education or child development; and
- Each prekindergarten class composed of 11 or more students, in addition to the prekindergarten instructor who meets the degree requirements, the class will have at least one prekindergarten instructor who meets each of the following requirements:
 - The prekindergarten instructor must hold, at a minimum, one of the following credentials:
 - A child development associates credential issued by the National Credentialing Program of the Council for Professional Recognition (NCPCPR); or
 - A credential approved by the Department of Children and Families as being equivalent to or greater than the credential issued by the NCPCPR.
 - The prekindergarten instructor must successfully complete an emergent literacy training course and a student performance standards training course.³⁰

Aspirational goals were also set for the 2013 - 2014 academic year, that each prekindergarten class will have at least one kindergarten instructor who holds a bachelor's or higher degree in the field of early childhood education or child-development.³¹

The bill repeals s. 1002.65, F.S., because the time parameter for meeting the aspirational goals for VPK instructors has expired.

²⁷ Specific Appropriation 4D, Chapter 2003-397, s. 1, Laws of Fla.

²⁸ Chapter 2006-48, s. 1, Laws of Fla., codified at s. 1002.415, F.S.

²⁹ Chapter 2004-484, s. 1, Laws of Fla.

³⁰ Section 1002.55(3)(c), F.S.

³¹ Section 1002.65(2)(b), F.S.

Financial Literary Cost Analysis

Section 1003.41(3), F.S., requires the commissioner to prepare an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy, including estimated costs for instructional personnel, training, and the development or purchase of instructional materials. The commissioner is required to work with one or more nonprofit organizations with proven expertise in the area of personal finance, consider free resources that can be utilized for instructional materials, and provide data on the implementation of such a course in other states. The commissioner must provide the cost analysis to the President of the Senate and the Speaker of the House of Representatives by October 1, 2013.

On October 1, 2013, the commissioner provided the President of the Senate and the Speaker of the House of Representatives an analysis of the costs associated with implementing a separate, one-half credit course in financial literacy.³²

The bill amends s. 1003.41(3), F.S., removing obsolete language requiring the commissioner to provide a cost analysis.

School Assessment and Promotion

Middle Grades Promotion

Section 1003.4156(1)(b), F.S., provides that in order to be promoted from middle school to high school a student must successfully complete 3 middle grades or higher courses in mathematics. A middle grades school must offer at least 1 high school level mathematics course for which a student may earn high school credit. Successful completion of high school level Algebra I or Geometry courses is not contingent upon the student's performance on the statewide, standardized end-of-course (EOC) assessment or, the Algebra I or Geometry assessment. Beginning with the 2011 - 2012 school year, to earn high school credit for Algebra I, a middle grades student was to have passed the Algebra I EOC assessment. Beginning in the 2012 - 2013 school year, to earn high school credit for Geometry a middle grades student must take the statewide, standardized Geometry EOC assessment, which constitutes 30 percent of the student's final course grade and earn a passing grade in the course.

The bill amends s. 1003.4156, F.S., eliminating the must pass Algebra I EOC requirement for a middle grades student to earn high school credit, but beginning with the 2013 - 2014 school year and thereafter, like Geometry, student performance on the Algebra I EOC assessment constitutes 30 percent of the student's final course grade.

Section 1003.4156(1)(c), F.S., provides that to be promoted from middle grades to high school a student must successfully complete 3 middle grades or higher courses in social studies. Beginning with students entering grade 6 in the 2012 -2013 school year, one of these courses must be at least a one semester civics education course.

³² Florida Department of Education, Office of the Commissioner of Education, Implementation of Financial Literacy Course (Oct. 2013) (on file with the Senate Committee on Education).

The bill establishes a transfer policy for a middle grades student who transfers into the state's public school system from out of the country, out of state, a private school, or a home education program. The policy provides that if a student transfers in after the beginning of the second term of the eighth grade the student is not required to meet the civics education requirement for promotion from middle grades, if the student's transcript documents passage of 3 courses in social studies or 2 year-long courses in social studies that included coverage of civics education.

Section 1008.22(3)(b)1., F.S., states that middle grades students enrolled in Algebra I or Geometry must take the statewide, standardized EOC assessment for those courses and are "not required" to take the corresponding grade-level Florida Comprehensive Assessment Test (FCAT). Because the law does not prohibit double testing some districts have so required.

The bill amends s. 1008.22(3)(b)1., F.S., providing that middle grade students enrolled in Algebra I, Geometry, or Biology I must take the statewide, standardized EOC assessment for those courses and "shall not take" the corresponding subject and grade-level statewide, standardized assessment.

High School Graduation Requirements

In 2013, the Legislature passed CS/CS/SB 1076. The bill, in part, created a new section of law, s. 1003.4282, F.S., establishing high school graduation requirements for students entering grade 9 in the 2013 - 2014 school year and thereafter.

Currently Florida public high school students have four options for obtaining a standard high school diploma -- a traditional 4-year, 24-credit option;³³ an 18-credit graduation option;³⁴ or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) program CS/CS/SB 1076 created s. 1002.3105(5), F.S., which established the new 18-credit graduation option and repealed the old 18-credit college preparatory and career preparatory graduation options contained in s. 1003.429, F.S.

In addition, current law provides, in s. 1003.4281, F.S., that each school district must adopt an early graduation policy allowing a high school student who completes 24 credits in less than eight semesters and meets the GPA and assessment requirements to graduate early.

The bill removes references to repealed s. 1003.428, F.S., (Old high school graduation requirements) and s. 1003.429, F.S., (Old 18-credit early graduation options) and adds references to s. 1003.4282, F.S., (New standard high school diploma requirements), s. 1003.4281, F.S., (Early high school graduation), and s. 1002.3105(5), F.S. (New 18-credit high school graduation option).

³³ Section 1003.428, F.S.

³⁴ Section 1002.3105(5), F.S.

Online Course Requirement

Section 1003.4282(4), F.S., requires at least one course within the 24 credits required for a standard high school diploma to be completed through online learning. However, an online driver education course is excluded from meeting the online course requirement.

The bill amends s. 1003.4282(4), F.S., providing that current law prohibiting use of a driver education course to meet the online course requirement only applies to students entering grade 9 in the 2013 - 2014 school year and thereafter. The law prohibiting an online driver education course from meeting the online course requirement for high school graduation was passed last session (SB 1076), along with the new high school graduation requirements. Only incoming students in grade 9 in 2013 – 2014 and thereafter are impacted by this change. Beginning with grade 9 students in the 2011 – 2012 school year, students were required to take an online course. If these students already met their online requirement with a driver education course, they should not be negatively impacted by last year’s change in law.

Certificate of Completion

Section 1003.4282(7), F.S., provides that “a certificate of completion may be awarded to a student who fails to earn the required credits or achieve a 2.0 GPA must be awarded a certificate of completion by the state board.”

The bill amends s. 1003.4282, F.S., to correctly provide that a student who earns the required 24 credits or 18 credits but fails to pass the required assessments or earn a 2.0 GPA must be awarded a certificate of completion. The bill also clarifies that a student awarded a certificate of completion may remain in high school for one additional year, either full-time or part-time, in order to receive special instruction designed to remedy his or her identified deficiencies.

Cohort Transition to New Graduation Requirements

CS/CS/SB 1076 did not repeal s. 1003.428, F.S., the old law dealing with high school graduation requirements for students entering grade 9 in the 2007 - 2008 school year and thereafter. Certain provisions in s. 1003.4282, F.S., the new graduation requirements, beginning with students entering grade 9 in the 2013 - 2014 school year, created by CS/CS/SB 1076, did reference, in part, students in earlier grade 9 cohorts. As a result, confusion arose as to what provisions of law applied to students entering grade 9 prior to the 2013 - 2014 school year.

The bill identifies, with specificity, all course and assessment requirements for students entering grade 9 before the 2010 - 2011 school year,³⁵ entering grade 9 in the 2010 - 2011 school year,³⁶

³⁵ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

³⁶ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry school year; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U.S. History, one-half credit in U.S. Government, and one-half

entering grade 9 in the 2011 - 2012 school year,³⁷ and entering grade 9 in the 2012 - 2013 school year.³⁸

The bill adds an automatic repeal date of July 1, 2020, to the new subsection of law that identifies, by grade 9 cohorts, all course and assessment requirements for graduating from high school with a standard diploma. The grade 9 students in the identified cohorts will have graduated from high school by 2017. The bill also provides that policy adopted in rule by a district school board may require for any cohort of students that performance on a statewide, standardized EOC assessment constitutes 30 percent of a student's final course grade.

Industry Certification

There are two ways in which students may use career education or industry certification courses to satisfy core academic credits required for a standard high school diploma. First, the DOE is required to develop, for approval by the state board, multiple, career education courses, or a series of courses that allow students to simultaneously earn career education course and academic course credit in courses required for graduation.³⁹ Second, students entering grade 9 in the 2013 - 2014 school year and thereafter may substitute industry certification courses that lead to college credit for up to 2 mathematics credits and up to 1 science credit.⁴⁰

The bill amends s. 1003.4282, F.S., to add that the industry certification that can be substituted for credit must have a statewide college credit articulation agreement approved by the state board. The bill provides that students who earn an industry certification for which there is a statewide college credit articulation agreement approved by the state board may not substitute certification for Algebra I, Geometry, or Biology I.

The bill also requires that if a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or U. S. History, the transferring course final grade and credit must be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; and Eight credits in electives.

³⁷ The requirements are: Four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in U. S. History, one-half credit in U.S. Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; and One online course.

³⁸ The requirements are four credits in English/ELA; Four credits in mathematics, which must include Algebra I and Geometry; Three credits in science, two of which must have a laboratory component; Three credits in social studies of which one credit in World History, one credit in United States History, one-half credit in United States Government, and one-half credit in economics is required; One credit in fine or performing arts, speech and debate, or practical arts; One credit in physical education; Eight credits in electives; One online course.

³⁹ Section 1003.4282(9)(a), F.S.

⁴⁰ Section 1003.4282(3)(b) and (c), F.S. (Effective for students entering 9th grade in the 2013 - 2014 school year and thereafter).

Student Assessments

Section 1008.22, F.S., requires the commissioner to design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The statewide, standardized assessment program must be designed and implemented to include the FCAT until replaced by new state assessments in English Language Arts (ELA) and mathematics.

The state board must adopt rules to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to new state assessments in ELA and mathematics.⁴¹ The state board must also designate by rule a passing score for each statewide, standardized EOC and FCAT assessment. In addition the state board must designate a score for each statewide, standardized EOC assessment that indicates that a student is high achieving and has the potential to meet college readiness standards by the time the student graduates from high school.⁴²

The FCAT includes annual comprehensive assessments of reading in grades 3 through 10; comprehensive assessments of mathematics in grades 3 through 8; comprehensive assessments of writing at least once at the elementary, middle, and high school levels; and comprehensive assessments of science in the elementary and middle grades levels.⁴³ In 2010, the Legislature required the phased-in replacement of grades 9 and 10 FCAT Mathematics with the EOC assessments in Algebra I and Geometry and grade 11 FCAT Science with an EOC assessment in Biology I.⁴⁴

Section 1008.22(3)(c)2., F.S., states that a student with a disability for whom the IEP team determines that the statewide, standardized assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, must have assessment results waived for the purpose of receiving a course grade or a standard high school diploma. Such waiver must be designated on the student's transcript.

SB 1226:

- Removes the requirement that the state board designate an additional cut score on EOC assessments that identifies a student as high achieving because how high achieving a student is can be determined by the score the student receives on the assessment, i.e., Levels 1 - 5.
- Clarifies that a student's performance on the Algebra II and Biology I EOC assessment constitutes 30 percent of a student's final course grade, in conformance with s. 1003.4282, F.S.
- Specifies that the waiver of assessment results on a student's transcript must be limited to a statement that "performance on an assessment was waived for the purpose of receiving a course grade or a standard high school diploma, as applicable."

⁴¹ Section 1008.22(3)(d)3., F.S.

⁴² Section 1008.22(3)(d)2., F.S.

⁴³ Section 1008.22(3)(a), F.S.

⁴⁴ Section 1008.22(3)(b), F.S.

- Removes rulemaking requirements for the state board to establish an implementation schedule to transition from FCAT Reading, FCAT Writing, FCAT Mathematics and Algebra I and Geometry EOC assessments to new state assessments in ELA and mathematics. The commissioner is required to establish and publish on DOE's website an implementation schedule to transition from the statewide, standardized Reading and writing assessments to the ELA assessments and to the revised Mathematics assessments including the Algebra I and Geometry EOC assessments.

Scholar Designations

Section 1003.4285, F.S., provides that students may earn a Scholar designation if they satisfy additional course testing requirements exceeding the requirements for a standard high school diploma.

Students pursuing a Scholar designation must:

- Pass the 11th grade ELA assessment, effective when the state transitions to new assessments;
- Earn one credit in Algebra II and one credit in Statistics or an equally rigorous course. When the state transitions to new assessments, students must pass the Algebra II assessment;
- Pass the Biology I EOC assessment and earn one credit in Chemistry or Physics and one credit in an equally rigorous course;
- Pass the U.S. History EOC assessment;
- Earn two credits in the same foreign language; and
- Earn at least one credit in an AP, IB, AICE, or a dual enrollment course.

The bill amends s. 1003.4285, F.S., by adding a new requirement that beginning with students entering grade 9 in the 2014 - 2015 school year, a student must pass the statewide, standardized Geometry EOC assessment in order to earn a Scholar designation.

The bill provides that a student enrolled in an AP, IB, or AICE Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit meets the Scholar designation science requirement without having to take the statewide, standardized Biology I EOC assessment. The bill also provides that a student enrolled in an AP, IB, or AICE course that includes U.S. History topics, who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit meets the Scholar designation social studies requirement without having to take the statewide, standardized U.S. History EOC assessment.

Junior Reserve Officers' Training Corps

Section 1003.451, F.S., prohibits a school district from banning any branch of the United States Armed Forces or the U. S. Department of Homeland Security from establishing, maintaining, or operating a unit of the Junior Reserve Officers Training Corps (ROTC) at a public high school. A school district must grant military recruiters of the U.S. Armed Forces and U.S. Department of Homeland Security the same access to secondary school students, facilities, and grounds which the district grants to postsecondary educational institutions or prospective employers of students.

The state board is authorized to adopt rules and take enforcement action against school districts that do not comply with these requirements.⁴⁵ However, the state board has not yet adopted rules to administer these provisions.

The bill repeals s. 1003.451(5), F.S., removing the authority for the state board to adopt rules to administer the section. The law is self-executing, therefore no rule is necessary.

Academically High-Performing School Districts

Section 1003.621(1)(a), F.S., requires that academically high-performing school districts must have no material weakness or instances of material noncompliance noted in their annual financial audits conducted by the AG.

The bill amends s. 1003.621(1)(a), F.S., to include a reference to s. 11.45, F.S., which requires the AG to conduct annual financial audits and operational audits of school districts every 3 years. The bill also deletes reference to the 2004 – 2005 school year, which was the year school districts could begin meeting the criteria for designation as an academically high-performing school district.

Adult High School Credit Program

Section 1004.02(4), F.S., defines “adult high school credit program” for purposes of chapter 1004 as “the award of credits upon completion of courses and passing of state mandated assessments necessary to qualify for a high school diploma. Except as provided elsewhere in law, the graduation standards for adults must be the same as those for secondary students.” The term “adult high school credit program” does not appear in chapter 1004.

The bill removes the definition of “adult high school credit program” and adds the following 18 credit graduation option for adult students:

- Four credits in English Language Arts;
- Four credits in mathematics;
- Three credits in science, two of the required three credits must have laboratory component.
- The laboratory requirement may be waived by the district school board;
- Three credits in social studies;
- One credit in fine or performing arts, speech and debate, or practical arts, or one other elective credit; and
- Three credits in electives.

To be eligible for an 18-credit graduation option, the student must earn a cumulative GPA of 2.0 on a 4.0 scale.

An adult seeking a 24-credit standard high school diploma may also substitute one elective credit for required credit in fine or performing arts, speech and debate, or practical arts. In addition, the

⁴⁵ Section 1003.451(4) and (5), F.S.

science laboratory requirement may be waived by the district school board. Finally, the one credit in physical education may be substituted with an elective credit.

State University Degree Programs

In 2010, the Legislature authorized Florida Atlantic University (FAU) to offer a Doctor of Medicine degree program, subject to the approval of the Board of Governor (BOG).⁴⁶ On April 7, 2010, BOG approved the program at FAU.

In 2010, the Legislature authorized a Doctor of Pharmacy degree program at the University of South Florida (USF) and required the program to be physically located on the campus of the University of South Florida Polytechnic (USF Polytechnic).⁴⁷ On January 29, 2009, BOG approved the program at USF. The bill repeals obsolete language authorizing a Doctor of Medicine degree program at FAU and a Doctor of Pharmacy degree program at USF. Both programs have been approved by the BOG.

Johnnie B. Byrd, S., Alzheimer's Center and Research Institute

The Legislature created the Florida Alzheimer's Center and Research Institute in 2002,⁴⁸ and subsequently renamed it the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute (Byrd Institute) in 2004.⁴⁹ In 2009, the Legislature placed the Byrd Institute at the USF.⁵⁰ The board of directors for the Johnnie B. Byrd, Sr. Alzheimer's Center and Research Institute was created to oversee the establishment of the Institute.⁵¹

The bill repeals s. 1004.445(2), F.S., establishing the board of directors for the Johnnie Byrd Sr., Alzheimer's Center and Research Institute. Once the Byrd Institute was placed at USF there was no longer a need for a separate governing board.

Training School Consolidation Pilot Project

In 1999, the Legislature created the Training School Consolidation Pilot Projects.⁵² The project established two "pilot training centers" to provide criminal justice training in Leon and St. Johns Counties: The Pat Thomas Center at Tallahassee Community College (now called the Pat Thomas Law Enforcement Academy) and The Criminal Justice Academy at St Johns River State College (now called the Criminal Justice Program). In 1999 the programs were transferred to FCS institutions. Accordingly, the programs are no longer pilot projects.

The bill repeals s. 1004.75, F.S., relating to the Training School Consolidation Pilot Projects.

⁴⁶ Section 1004.3825, F.S.

⁴⁷ Chapter 2010-155, s. 6, Laws of Fla.

⁴⁸ Chapter 2002-387, s. 191, Laws of Fla.

⁴⁹ Chapter 2004-002, s. 5, Laws of Fla.

⁵⁰ Chapter 2009-060, s. 6, Laws of Fla.

⁵¹ Section 1004.445(2), F.S.

⁵² Section 1004.75, F.S. (Formerly s. 240.384, F.S.).

Statewide School Safety Hotline

In 1995, the Legislature created a statewide crime-watch program in the public schools for the purpose of reducing student actions that were in violation of the code of student conduct.⁵³ In 1996, the Legislature authorized DOE to contract with the Florida Sheriffs Association to establish and operate a statewide toll-free school safety hotline for the purpose of reporting incidents that affect the safety and well-being of the school's population.⁵⁴ If a toll-free school safety hotline is established by contract with the Florida Sheriffs Association, the Florida Sheriffs Association must produce a quarterly report that evaluates the incidents that have been reported on the hotline.⁵⁵

The bill repeals s. 1006.141, F.S., relating to the Statewide School Safety Hotline.

Dating Violence and Abuse Prohibited

Section 1006.148(2), F.S., requires that each district school board adopt and implement a dating violence and abuse policy to be integrated into each school district's discipline policies.⁵⁶ DOE was required to develop by January 1, 2011, a model policy to serve as a guide for district school boards in the development of the dating violence and abuse policies. On October 22, 2010, DOE provided district school boards with the model policy and training requirements.⁵⁷

The bill repeals s. 1006.148(2), F.S., requiring DOE to develop a dating violence and abuse model policy because DOE has already developed the model policy.

Use of Instructional Materials Allocation

Section 1006.40(2), F.S., requires each district school board to purchase current instructional materials to provide each student with a major tool of instruction in core courses. Such purchases must be made within the first 3 years after the effective date of the adoption cycle. For the 2012 - 2013 mathematics adoption, a district using comprehensive mathematics instructional materials adopted in 2009 - 2010 was to be deemed in compliance with the law if the district had provided each student with such additional state-adopted materials as was necessary to align the mathematics instructional materials to the new state standards.⁵⁸

The bill removes the 2012 - 2013 mathematics adoption language option. The bill amends s. 1006.40(2), F.S., specifying that a school board individually or as part of a consortium of school boards can purchase instructional materials if an instructional materials program has been implemented pursuant to s. 1006.283, F.S.⁵⁹

⁵³ Chapter 95-164, s. 2, Laws of Fla.

⁵⁴ Section 1006.141(1), F.S.

⁵⁵ Section 1006.141, F.S.

⁵⁶ Section 1006.148(1), F.S.

⁵⁷ Florida Department of Education, Office of Safe Schools, *Teen Dating Violence Prevention*, available at <http://www.fldoe.org/safeschools/TeenDatingViolence.asp> (last visited Mar. 10, 2014).

⁵⁸ Section 1006.40(2), F.S.

⁵⁹ Section 1006.283, F.S.

Student with Disabilities

Section 1007.02, F.S., defines the term “student with a disability,” and establishes a popular name for the section, i.e., Enhanced New Needed Opportunity for Better Life and Education for Students with Disabilities (ENNOBLES) Act. However, the section refers to itself as an “Act” rather than a section. A law should not refer to “an Act” but should specify the sections of law to which the section of law is applicable. The popular name and the acronym are not used anywhere else in law.

The bill amends s. 1007.02, F.S., by removing the popular name and acronym. In addition, s. 1007.02, F.S., is amended to state that the definition of “student with a disability” is applicable to all of chapter 2007, F.S.

Public School Improvement

Section 1008.33(5) and (7), F.S., requires a school to implement one of the turnaround options listed in this section if the school earns a grade of “F” within 2 years of raising its grade from a grade of “F” or that earns a grade of “F” within 2 years after exiting the lowest-performing category under s. 3, chapter 2009 -144, L.O.F. A school classified in the lowest performing category before July 2012 is not required to continue implementing any turnaround options unless the school earns a grade of “F” or a third consecutive “D” for the 2011 - 2012 school year. A school earning a grade of “F” or a third consecutive “D” for the 2011 - 2012 school year may not restart the number of years it has been considered low performing.

The bill repeals s. 1008.33(5) and (7), F.S., removing the requirement to implement certain turnaround options because the time period for those options has expired.

Supplemental Educational Services

The federal requirement for Florida to provide supplemental educational services (SES) as originally prescribed by the No Child Left Behind Act of 2001 (NCLB) was waived with the approval of Florida’s ESEA Flexibility Request on February 9, 2012.⁶⁰ Florida’s ESEA Flexibility Request was subsequently amended on July 27, 2012, to allow Florida to continue providing SES for the 2012 - 2013 school year.⁶¹

All SES providers had to be approved by the DOE before services could be provided in the district. Eligible candidates included nonprofit and for-profit entities, as well as school districts. Approved providers were allowed to:

- Set their fee for service within a specified range (\$5-\$70 per hour per student).
- Tutor up to 10 students simultaneously using the same instructor which is the equivalent of \$700 per hour for 10 students and 1 instructor.
- Self-report, to DOE, student learning gains, student attendance and completion data, and

⁶⁰ See Letter of Approval for Florida’s ESEA Waiver Request, (2012), available at <http://www.fldoe.org/esea/pdf/WaiverApprovalLetter.pdf>.

⁶¹ See Letter of Approval for Florida’s ESEA Waiver Exemption Request, (2012), available at <https://www.ed.gov/policy/eseaflex/secretary-letters/fl-amendment.pdf>.

satisfaction surveys completed by parents, district administrators, and school principals. DOE used this information to apply a service designation to each provider of excellent, satisfactory, or unsatisfactory.⁶²

In 2011 - 2012, SES providers delivered an average of 19 hours of tutoring services per student at an average cost of \$1,050 per student.⁶³ However, a national study determined that SES programs delivering less than 40 hours of tutoring per year are unlikely to demonstrate statistically significant improvement in student growth math and reading gains.⁶⁴ The bill repeals s. 1008.331, F.S., removing the SES which is no longer required by federal law and not funded by this state. School districts on their own authority and through their funding sources can otherwise provide supplemental educational services.

Best Financial Management Practices for Florida School Districts

Section 1008.35, F.S., requires the commissioner to adopt best financial management practices to be implemented by school districts. The practices must be developed for, but not limited to, efficient use of resources, compliance with general acceptable accounting principles, performance accountability, and cost control. The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the AG are tasked with developing a system by which to review school district implementation of the best practices.⁶⁵ Furthermore, OPPAGA is responsible for conducting the reviews, subject to appropriation by the Legislature. The commissioner adopted the best financial management practices on September 4, 1997.⁶⁶ The entire best practices review was contingent upon funding. The Legislature has not funded the program since 2002.⁶⁷

The bill repeals s. 1008.35, F.S., which removes the requirement that the commissioner adopt best financial management practices.

Workforce Education Postsecondary Student Fees

Section 1009.22(3)(f), F.S., establishes a maximum increase in resident tuition for any school district or Florida College System institution during the 2007 - 2008 fiscal year of five percent over the tuition charged during the 2006 - 2007 fiscal year.

The bill repeals s. 1009.22(3)(f), F.S., regarding the obsolete 2007 - 2008 resident tuition increase language.

⁶² Rule 6A-1.039, F.A.C.

⁶³ Telephone conversation with staff, Florida Department of Education, Bureau of School Improvement (Feb. 27, 2014).

⁶⁴ American Enterprise Institute for Public Policy Research, Center for American Progress, *Tightening up Title I: The implementation and effectiveness of supplemental education services: A review and recommendations for program improvement*, (2012), available at http://www.aei.org/files/2012/03/05/-the-implementation-and-effectiveness-of-supplemental-educational-services_17150915643.pdf. (last visited Mar. 4, 2014).

⁶⁵ Section 1008.35(1), F.S.

⁶⁶ Office of Program Policy Analysis and Government Accountability, *Best Financial Management Practices for Florida School Districts*, Report No. 97-08, (Oct. 1997), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/9708rpt.pdf>. (last visited Mar. 10, 2014).

⁶⁷ Telephone conversation with staff, Florida Department of Education (Feb. 27, 2014).

Seminole and Miccosukee Indian Scholarships

In 1963, the Legislature enacted the Seminole and Miccosukee Indian Scholarship program.⁶⁸ The purpose of the Seminole and Miccosukee Indian Scholarship program is to encourage and assist students from the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida to pursue postsecondary education. The program is administered by DOE and funding for the program must be provided in the General Appropriations Act (GAA).⁶⁹ The Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida determines the amount of the scholarship for their respective applicants within the amount of funds appropriated.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁷⁰ Funding for the Seminole and Miccosukee Indian Scholarship program was last appropriated in 2001.⁷¹

The bill repeals s. 1009.56, F.S., regarding the Seminole and Miccosukee Indian Scholarship program.

The Virgil Hawkins Fellows Assistance Program

In 1988, the Legislature enacted the Virgil Hawkins Fellows Assistance Program⁷² The Virgil Hawkins Fellows Assistance Program provides financial assistance for minority students to study law at the Florida State University, the University of Florida, the Florida Agricultural and Mechanical University, and the Florida International University.⁷³

Each student that remains in good standing as approved by the law school and pursuant to guidelines of the state board is entitled to receive an award for each academic term.⁷⁴ Funding for the program must be as provided in the GAA.

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁷⁵ The Virgil Hawkins Fellows Assistance program was last appropriated funds in 2003.⁷⁶

The bill repeals s. 1009.69, F.S., relating to the Virgil Hawkins Fellows Assistance Program.

⁶⁸ Chapter 63-404, ss. 1-6, Laws of Fla.

⁶⁹ Section 1009.56(1), F.S.

⁷⁰ Section 1009.96, F.S.

⁷¹ Specific Appropriation 93, Chapter 2001-253, s. 2, Laws of Fla.

⁷² Chapter 88-099, s. 1, Laws of Fla.

⁷³ Section 1009.69(1), F.S.

⁷⁴ Section 1009.69(2), F.S.

⁷⁵ Section 1009.96, F.S.

⁷⁶ Specific Appropriation 134 and 135, Chapter 2003-397, s. 2, Laws of Fla.

Florida Higher Education Loan Authority Act

Part V of chapter 1009 provides a short title: “Florida Higher Education Loan Authority Act.” The Act, created in 1982⁷⁷ authorizes, by county ordinance or resolution, the creation of a “_____ County Education Loan Authority.” The Florida Higher Education Loan Authority Act was created to make loans to participating higher education institutions for the purpose of providing student loans. If a county ordinance/resolution is established, the law requires the loan authority to report annually to the commissioner. The only county that adopted such an ordinance (St. Johns) repealed its ordinance in 1995. The commissioner has not received any annual reports.⁷⁸

Current law states that all new and existing financial assistance programs authorized under chapter 1009 which are not funded for 3 consecutive years after enactment must stand repealed.⁷⁹ The program has been inactive since 1995.⁸⁰

The bill repeals Part V of chapter 1009, relating to the authority to create an Education Loan Authority.

School District Discretionary Tax

In 2009, the Legislature authorized district school boards to levy an additional 0.25 mills for critical capital outlay needs. Alternatively, the additional 0.25 mills may be levied for critical operating needs based on a supermajority vote of the district school board and passage of a voter approved referendum in the 2010 general election.⁸¹

Legislation enacted in 2010, provided that in order for school districts to continue levying the additional 0.25 mills after the 2010 - 2011 fiscal year, the voters must have approved the referendum at the 2010 general election or at a subsequent election is held at any time. No more than one such election may be held during any 12-month period. Any millage so authorized could only be levied for a period not to exceed 2 years or until a change is made pursuant to another millage election, whichever occurs earlier.⁸²

In 2011, the Legislature amended the statute so that the authority for district school boards to levy the 0.25 mills would expire on June 30, 2011.⁸³

The bill repeals s. 1011.71(3)(b) and (c), F.S., removing the authority for district school boards to levy the additional 0.25 mills.

⁷⁷ Chapter 82-241, ss. 1-28, Laws of Fla. (Formerly chapter 240).

⁷⁸ E-mail, Florida Department of Education, Office of Governmental Relations (Mar. 5, 2014).

⁷⁹ Section 1009.96, F.S.

⁸⁰ E-mail, Florida Department of Education, Office of Governmental Relations (Mar. 5, 2014).

⁸¹ Chapter 2009-059, s. 33, Laws of Fla., codified at s. 1011.71(3)(b), F.S.

⁸² Chapter 2010-154, s. 30, Laws of Fla., amending s. 1011.71(3)(b), F.S.

⁸³ Chapter 2011-055, s. 36, Laws of Fla., amending s. 1011.71(3)(b), F.S.

Teacher Recruitment and Retention

Section 1012.05(2), F.S., requires DOE to develop, in consultation with school district staff, a long range plan for educator recruitment and retention and develop and implement a First Response Center and Teacher Lifeline Network to provide online support to beginning teachers and those that need assistance. The commissioner must take steps that provide flexibility and consistency in meeting the highly qualified teacher criteria defined in the NCLB Act of 2001 through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).⁸⁴

The bill amends s. 1012.05, F.S., by removing the requirement for DOE to develop a long-range plan for educator recruitment and retention. Many districts are not in need of teachers. Those districts needing teachers are better suited to develop recruitment and retention plans applicable to local needs.

The bill eliminates reference to the Teacher Lifeline Network and the First Response Center because the center and network do not exist. The bill removes reference to HOUSSE which no longer exists.

Professional Service Contract

Section 1012.33(9), F.S., provides that, for the 2009 - 2010 and 2010 - 2011 fiscal years, district school boards should not enter into a new professional services contract if the only funds available to pay such contract are from nonrecurring Federal Stabilization Funds. The restriction on district school boards does not extend past the 2010 – 2011 fiscal year.

The bill repeals s. 1012.33(9), F.S., relating to obsolete language affecting fiscal years 2009 - 2010 and 2010 - 2011.

Speech Language Services

Section 1012.44, F.S., requires the state board to review rules it adopted regarding speech-language services to school districts by October 1, 2003. The state board has reviewed the rules for speech-language services.

The bill amends s. 1012.44, F.S., removing the outdated language requiring the state board to review rules for speech-language services.

Address of Record

Section 1012.561, F.S., requires by January 1, 2005, that each educator and applicant for certification have on file with DOE a current mailing address. The January 1, 2005, date requirement has passed.

The bill amends s. 1012.561, F.S., removing the outdated reporting requirement.

⁸⁴ Section 1012.05(6), F.S.

Saving Clause

Section 1012.595, F.S., created in 1986,⁸⁵ requires each applicant who was issued a certificate by DOE prior to June 25, 1986, to be entitled to hold such certificate. The certificates are renewed in accordance with the provisions of chapter 86-156 L.O.F.⁸⁶

The bill amends s. 1012.595, F.S., removing the outdated language regarding applicants issued a certificate by DOE prior to June 25, 1986.

Remuneration for State University and Florida College System Presidents

In 2010, s. 1012.885(2), F.S., was created to state that FCS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.⁸⁷

In 2003, s. 1012.975 (2), F.S., was created to state that SUS institution presidents may not receive more than \$225,000 in remuneration annually from appropriated state funds. The Legislature has since changed that amount to \$200,000.⁸⁸

Both sections of law continue to provide conflicting restrictions on the annual remuneration for SUS presidents and FCS presidents.

The bill removes ss. 1012.885(2), and 1012.975(2), F.S., relating to the outdated \$225,000 remuneration provisions.

Continuing Education Training

Section 1012.98(12), F.S., requires teachers in grades 1 - 12 to participate in continuing education training provided by the Department of Children and Family Services on identifying and reporting child abuse and neglect.

The bill amends s. 1012.98(12), F.S., to include kindergarten teacher participation in continuing education training provided by the Department of Children and Families.

⁸⁵ Formerly s. 231.245 F.S.

⁸⁶ Sections of law relating to certification of educational personnel (ss. 231.15, 231.17, and 231.24, F.S.) were set for Sunset repeal on October 1, 1985, unless reviewed and reenacted by the Legislature. The Legislature passed CS/CS/HB 1357, which made various substantive and technical changes in the process used to grant initial and subsequent certificates. The Governor vetoed CS/CS/HB 1357. The DOE readopted the certification rules but, instead of referencing the repealed sections of law as authority for the rule, referenced other sections of law. The Joint Administrative Procedures Committee raised concerns about the law referenced in the rules. The DOE worked with the Legislature to resolve the issues and HB 1183 became law effective June 25, 1986.

⁸⁷ Chapter 2011-063, s. 39, Laws of Fla., Chapter 2012-134, s. 38, Laws of Fla., and Chapter 2013-405, s. 21, Laws of Fla.

⁸⁸ Chapter 2011-063, s. 41, Laws of Fla., Chapter 2012-134, s. 40, Laws of Fla., and Chapter 2013-045, s. 23, Laws of Fla.

Substance of Contract

Section 1013.47, F.S., requires: “If 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1) laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.”

The bill amends s. 1013.47, F.S., to remove the above quoted language. Any federal (grant) funds appropriated for construction would include the necessary federal accountability requirements in accordance with the Davis-Bacon Act. There is no trust fund under 31 U.S.C. s. 1243(a)(1).

Toxic Substance in Construction

Section 1013.49, F.S., requires a contractor intending to use toxic substances enumerated in the Florida Substance List in the construction, repair, or maintenance of educational facilities to notify the district school superintendent or public postsecondary institution president in writing at least three working days prior to using the substance. Toxic substance usage is already governed by the Florida Building Code and the State Requirements for Educational Facilities.⁸⁹

The bill repeals s. 1013.49, F.S., removing duplicative requirements related to toxic substance.

Land Acquisition and Facilities Advisory Board

Section 1013.512, F.S., requires OPPAGA and the Auditor General to certify to the President of the Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and Governor when significant deficiencies exist in a school district’s land acquisition and facilities operation processes. Upon receipt of certification, an advisory board must be appointed to help the district improve its deficient practices and report to the commissioner a district’s progress and corrective actions. “Upon certification by the advisory board that corrective action has been taken, each Land Acquisition and Facilities Advisory Board shall be disbanded.” Only one such board was ever appointed: The Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board. This board was dissolved in 2004.⁹⁰

The bill repeals s. 1013.512, F.S., removing the authority to authorize a Land Acquisition and Facilities Advisory Board.

Cooperative Development

Section 1013.54, F.S., created in 1990⁹¹ authorizes each district school board to submit prior to August 1 of each year a request to the commissioner for funds from the Public Education Capital Outlay (PECO) and Debt Service Trust Fund to construct, remodel, or renovate an educational

⁸⁹ E-mail, Florida Department of Education, Office of Governmental Relations (Mar. 5, 2014).

⁹⁰ Office of Program Policy Analysis and Government Accountability, *Special Review-Land Acquisition Practices of the Miami-Dade County School Board*, Report No. 01-26 (May 2001), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0126rpt.pdf>. (last visited Mar. 10, 2014).

⁹¹ Formerly s. 235.198, F.S.

facility within the industrial environment. The commissioner must appoint a review committee to make recommendations and prioritize requests. According to DOE, no school districts are utilizing this provision.

The bill repeals s. 1013.54, F.S., removing the authorization for district school boards to request the use of PECO funds for new construction, remodeling, or renovation of private sector building that must be lease back to school board.

Emergency Rule Adoption

Section 20 of chapter 2010-24, L.O.F., authorizes the Department of Revenue (DOR) to adopt emergency rules for s. 1012.796, F.S.⁹² DOR states that the authority to adopt emergency rules is no longer needed.⁹³

The bill repeals Section 20 of chapter 2010-24, L.O.F., removing outdated DOR emergency rulemaking authority.

The bill has an effective date upon becoming law.

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.

⁹² Section 1012.796, F. S.

⁹³ Telephone conversation with staff, Florida Department of Revenue (February 26, 2014).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 11.45, 120.74, 120.81, 409.1451, 496.404, 775.215, 984.151, 1000.21, 1001.10, 1001.26, 1002.20, 1002.31, 1002.3105, 1002.321, 1002.33, 1002.34, 1002.345, 1002.39, 1002.41, 1002.45, 1002.455, 1003.01, 1003.02, 1003.03, 1003.41, 1003.4156, 1003.4281, 1003.4282, 1003.4285, 1003.438, 1003.49, 1003.493, 1003.4935, 1003.57, 1003.621, 1004.0961, 1004.935, 1006.147, 1006.15, 1006.28, 1006.31, 1006.34, 1006.40, 1006.42, 1007.02, 1007.2615, 1007.263, 1007.264, 1007.265, 1007.271, 1008.22, 1008.25, 1008.33, 1008.3415, 1009.22, 1009.40, 1009.531, 1009.532, 1009.536, 1009.91, 1009.94, 1011.80, 1012.05, 1012.22, 1012.34, 1012.44, 1012.561, 1012.885, 1012.975, 1012.98, 1013.35 and 1013.47.

This bill repeals the following sections of the Florida Statutes: 411.226, 411.227, 411.228, 1000.01 (5), 1000.33, 1000.37, 1001.25, 1001.47 (7), 1001.50 (6), 1001.62, 1001.73 (3), 1002.415, 1002.65, 1003.428, 1004.02 (4), 1004.3825, 1004.387, 1004.445 (2), 1004.75, 1006.141, 1006.148 (2), 1008.331, 1008.35, 1009.69, 1009.99, 1009.991, 1009.992, 1009.993, 1009.994, 1009.995, 1009.996, 1009.9965, 1009.997, 1009.9975, 1009.9976, 1009.9977, 1009.9978, 1009.9979, 1009.998, 1009.9981, 1009.9982, 1009.9983, 1009.9984, 1009.9985, 1009.9986, 1009.9987, 1009.9988, 1009.9989, 1009.9990, 1009.9991, 1009.9992, 1009.9993, 1009.9994, 1011.71 (3) (b) and (c), 1011.76 (4), 1012.33 (9), 1012.595, 1013.49, 1013.512 and 1013.54.

The bill repeals section 20 of Chapter 2010-24, an unnumbered section of Florida law.

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

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: TP	.	
03/18/2014	.	
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The Committee on Education (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete lines 296 - 298.

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

And the title is amended as follows:

Delete lines 10 - 11

and insert:

amending s.

By Senator Montford

3-00935A-14

20141226__

1 A bill to be entitled
 2 An act relating to education; amending s. 11.45, F.S.;
 3 requiring the Auditor General to notify the
 4 Legislative Auditing Committee if a district school
 5 board fails to take corrective action subsequent to an
 6 audit; amending s. 120.74, F.S.; exempting educational
 7 units from rule review and reporting requirements;
 8 amending s. 120.81, F.S.; conforming cross-references;
 9 amending s. 409.1451; conforming cross-references;
 10 repealing ss. 411.226, 411.227, and 411.228, F.S.,
 11 relating to the Learning Gateway program; amending s.
 12 496.404, F.S.; conforming cross-references; amending
 13 s. 775.215, F.S.; conforming cross-references;
 14 amending s. 984.151, F.S.; authorizing a district
 15 school superintendent's designee to submit a truancy
 16 petition; repealing s. 1000.01(5), F.S., relating to
 17 obsolete education governance transfers; amending s.
 18 1000.21, F.S.; revising the definition of the term
 19 "Next Generation Sunshine State Standards"; repealing
 20 ss. 1000.33 and 1000.37, F.S., relating to the
 21 distribution of copies of educational compacts to
 22 other states; amending s. 1001.10, F.S.; deleting and
 23 revising certain duties of the Commissioner of
 24 Education relating to educational plans and programs;
 25 repealing s. 1001.25, F.S., relating to educational
 26 television; amending s. 1001.26, F.S.; revising
 27 Department of Education duties relating to the public
 28 broadcasting program system; prohibiting the use of
 29 educational television stations for the advancement of

Page 1 of 121

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

3-00935A-14

20141226__

30 political candidates; providing penalties; repealing
 31 ss. 1001.47(7) and 1001.50(6), F.S., relating to
 32 obsolete district school superintendent salary
 33 provisions; repealing s. 1001.62, F.S., relating to
 34 obsolete provisions for the transfer of benefits
 35 arising under local or special acts; repealing s.
 36 1001.73(3), F.S., relating to the abolished Board of
 37 Regents as trustee; amending s. 1002.20, F.S.;
 38 correcting cross-references and conforming provisions;
 39 amending s. 1002.31, F.S.; revising provisions
 40 relating to school district controlled open enrollment
 41 plans; amending s. 1002.3105, F.S.; conforming
 42 provisions; amending s. 1002.321, F.S.; conforming
 43 provisions; amending s. 1002.33, F.S.; deleting
 44 required training before charter school application;
 45 conforming cross-references and provisions; amending
 46 s. 1002.34, F.S.; conforming cross-references;
 47 revising provisions relating to department assistance
 48 to charter technical career centers; amending s.
 49 1002.345, F.S.; revising provisions relating to
 50 expedited review of deteriorating financial conditions
 51 for a charter school or charter technical career
 52 center; deleting an annual reporting requirement;
 53 amending s. 1002.39, F.S.; deleting obsolete
 54 provisions relating to eligibility for a John M. McKay
 55 Scholarship; amending s. 1002.41, F.S.; correcting
 56 cross-references; repealing s. 1002.415, F.S.,
 57 relating to the K-8 Virtual School Program; amending
 58 s. 1002.45, F.S.; conforming cross-references;

Page 2 of 121

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3-00935A-14

20141226__

59 amending s. 1002.455, F.S.; conforming provisions;
 60 repealing s. 1002.65, F.S., relating to aspirational
 61 goals for credentials of prekindergarten instructors;
 62 amending s. 1003.01, F.S.; conforming cross-
 63 references; amending s. 1003.02, F.S.; requiring
 64 instructional materials to be consistent with course
 65 descriptions; amending s. 1003.03, F.S.; conforming
 66 cross-references; amending s. 1003.41, F.S.; deleting
 67 an obsolete cost analysis requirement relating to a
 68 separate financial literacy course; amending s.
 69 1003.4156, F.S.; revising course and assessment
 70 requirements for middle grades students for promotion
 71 to high school; providing an exemption for transfer
 72 students from certain course grade and assessment
 73 requirements; repealing s. 1003.428, F.S., relating to
 74 obsolete requirements for high school graduation;
 75 amending s. 1003.4281, F.S.; conforming cross-
 76 references; amending s. 1003.4282, F.S.; revising
 77 course and assessment requirements for the award of a
 78 standard high school diploma; providing requirements
 79 for a student in an adult general education program to
 80 be awarded a standard high school diploma; revising
 81 requirements for award of a certificate of completion;
 82 providing an exemption for transfer students from
 83 certain course grade and assessment requirements;
 84 providing specificity regarding course and assessment
 85 requirements for graduation for certain cohorts of
 86 high school students transitioning to new graduation
 87 requirements; providing for future repeal of

Page 3 of 121

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3-00935A-14

20141226__

88 transition requirements; amending s. 1003.4285, F.S.;
 89 revising requirements for standard high school diploma
 90 designations; amending s. 1003.438, F.S.; conforming
 91 cross-references; repealing s. 1003.451(5), F.S.,
 92 relating to State Board of Education rulemaking;
 93 amending s. 1003.49, F.S.; conforming cross-
 94 references; amending s. 1003.493, F.S.; conforming a
 95 cross-reference; amending s. 1003.4935, F.S.;
 96 conforming a cross-reference; amending s. 1003.57,
 97 F.S., relating to exceptional student instruction;
 98 amending s. 1003.621, F.S.; revising audit criteria
 99 for academically high-performing school districts;
 100 repealing s. 1004.02(4), F.S., relating to the
 101 definition of the term "adult high school credit
 102 program"; amending s. 1004.0961, F.S.; providing for
 103 Board of Governors regulations; repealing s.
 104 1004.3825, F.S., relating to authorization for a
 105 medical degree program; repealing s. 1004.387, F.S.,
 106 relating to authorization for a pharmacy degree
 107 program; repealing s. 1004.445(2), F.S., relating to
 108 the board of directors of the Johnnie B. Byrd, Sr.
 109 Alzheimer's Center and Research Institute; repealing
 110 s. 1004.75, F.S., relating to training school
 111 consolidation pilot projects; amending s. 1004.935,
 112 F.S.; conforming cross-references; repealing s.
 113 1006.141, F.S., relating to a statewide school safety
 114 hotline; amending s. 1006.147, F.S.; deleting obsolete
 115 provisions relating to school district bullying and
 116 harassment policies; repealing s. 1006.148(2), F.S.,

Page 4 of 121

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3-00935A-14

20141226__

117 relating to a department-developed model dating
 118 violence and abuse policy; amending s. 1006.15, F.S.;
 119 conforming cross-references; amending s. 1006.28,
 120 F.S.; conforming provisions relating to instructional
 121 materials; amending s. 1006.31, F.S.; conforming
 122 provisions relating to duties of an instructional
 123 materials reviewer; amending s. 1006.34, F.S.;
 124 revising provisions relating to standards used in the
 125 selection of instructional materials; amending s.
 126 1006.40, F.S.; revising provisions relating to
 127 district school board purchase of instructional
 128 materials; amending s. 1006.42, F.S.; conforming
 129 provisions relating to the responsibility of parents
 130 for instructional materials; amending s. 1007.02,
 131 F.S.; deleting a popular name and providing
 132 applicability for the term "student with a
 133 disability"; amending s. 1007.2615, F.S.; deleting
 134 obsolete provisions relating to an American Sign
 135 Language task force; amending s. 1007.263, F.S.;
 136 conforming cross-references; amending ss. 1007.264 and
 137 1007.265, F.S.; conforming provisions; amending s.
 138 1007.271, F.S.; correcting cross-references; amending
 139 s. 1008.22, F.S.; conforming and revising provisions
 140 relating to the implementation of statewide,
 141 standardized comprehensive assessments, end-of-course
 142 assessments, and waivers for students with
 143 disabilities; requiring the commissioner to publish an
 144 implementation schedule for transition to new
 145 assessments; conforming provisions relating to

3-00935A-14

20141226__

146 concordant scores and comparative scores for
 147 assessments; amending s. 1008.25, F.S.; conforming
 148 assessment provisions for student progression;
 149 amending s. 1008.33, F.S.; deleting obsolete
 150 provisions relating to implementation of certain
 151 school turnaround options; repealing s. 1008.331,
 152 F.S., relating to supplemental educational services in
 153 Title I schools; amending s. 1008.3415, F.S.;
 154 correcting a cross-reference; repealing s. 1008.35,
 155 F.S., relating to best financial management practices
 156 for school districts; amending s. 1009.22, F.S.;
 157 deleting obsolete provisions relating to workforce
 158 education postsecondary student fees; amending s.
 159 1009.40, F.S.; conforming cross-references; amending
 160 s. 1009.531, F.S.; conforming cross-references;
 161 amending s. 1009.532, F.S.; correcting cross-
 162 references; amending s. 1009.536, F.S.; correcting
 163 cross-references; repealing s. 1009.56, F.S., relating
 164 to the Seminole and Miccosukee Indian Scholarship
 165 Program; repealing s. 1009.69, F.S., relating to the
 166 Virgil Hawkins Fellows Assistance Program; amending s.
 167 1009.91, F.S.; conforming a cross-reference; amending
 168 s. 1009.94, F.S.; conforming a cross-reference;
 169 repealing part V of chapter 1009, F.S., relating to
 170 the Florida Higher Education Loan Authority; repealing
 171 s. 1011.71(3)(b) and (c), F.S., relating to expired
 172 authorization for certain millage levy; repealing s.
 173 1011.76(4), F.S., relating to best financial
 174 management practices review under the Small School

3-00935A-14

20141226__

175 District Stabilization Program; amending s. 1011.80,
 176 F.S.; correcting a cross-reference; amending s.
 177 1012.05, F.S.; deleting department and commissioner
 178 duties relating to teacher recruitment and retention;
 179 amending s. 1012.22, F.S.; conforming provisions;
 180 repealing s. 1012.33(9), F.S., relating to obsolete
 181 provisions for payment of professional service
 182 contracts; amending s. 1012.34, F.S.; correcting
 183 cross-references relating to measuring student
 184 performance in personnel evaluations; amending s.
 185 1012.44, F.S.; deleting obsolete provisions; amending
 186 s. 1012.561, F.S.; deleting an obsolete provision;
 187 repealing s. 1012.595, F.S., relating to an obsolete
 188 saving clause for educator certificates; amending s.
 189 1012.885, F.S.; deleting certain provisions relating
 190 to remuneration of Florida College System institution
 191 presidents; amending s. 1012.975, F.S.; deleting
 192 certain provisions relating to remuneration of state
 193 university presidents; amending s. 1012.98, F.S.;
 194 requiring continuing education training for
 195 kindergarten teachers; amending s. 1013.35, F.S.;
 196 revising audit requirements for school district
 197 educational planning and construction activities;
 198 amending s. 1013.47, F.S.; deleting provisions
 199 relating to payment of wages of certain persons
 200 employed by contractors; repealing s. 1013.49, F.S.,
 201 relating to toxic substances in educational
 202 facilities; repealing s. 1013.512, F.S., relating to
 203 the Land Acquisition and Facilities Advisory Board;

Page 7 of 121

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3-00935A-14

20141226__

204 repealing s. 1013.54, F.S., relating to the
 205 cooperative development and use of satellite
 206 educational facilities; repealing s. 20 of chapter
 207 2010-24, Laws of Florida, relating to Department of
 208 Revenue authorization to adopt emergency rules;
 209 providing an effective date.
 210

211 Be It Enacted by the Legislature of the State of Florida:
 212

213 Section 1. Paragraph (j) of subsection (7) of section
 214 11.45, Florida Statutes, is amended to read:
 215 11.45 Definitions; duties; authorities; reports; rules.-
 216 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.-
 217 (j) The Auditor General shall notify the Legislative
 218 Auditing Committee of any financial or operational audit report
 219 prepared pursuant to this section which indicates that a
 220 district school board, state university, or Florida College
 221 System institution has failed to take full corrective action in
 222 response to a recommendation that was included in the two
 223 preceding financial or operational audit reports.
 224 1. The committee may direct the district school board or
 225 the governing body of the state university or Florida College
 226 System institution to provide a written statement to the
 227 committee explaining why full corrective action has not been
 228 taken or, if the governing body intends to take full corrective
 229 action, describing the corrective action to be taken and when it
 230 will occur.
 231 2. If the committee determines that the written statement
 232 is not sufficient, the committee may require the chair of the

Page 8 of 121

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3-00935A-14 20141226__

233 district school board or the chair of the governing body of the
 234 state university or Florida College System institution, or the
 235 chair's designee, to appear before the committee.

236 3. If the committee determines that the district school
 237 board, state university, or Florida College System institution
 238 has failed to take full corrective action for which there is no
 239 justifiable reason or has failed to comply with committee
 240 requests made pursuant to this section, the committee shall
 241 refer the matter to the State Board of Education or the Board of
 242 Governors, as appropriate, to proceed in accordance with s.
 243 1008.32 or s. 1008.322, respectively.

244 Section 2. Subsection (5) is added to section 120.74,
 245 Florida Statutes, to read:

246 120.74 Agency review, revision, and report.—

247 (5) An educational unit as defined in s. 120.52(6) is
 248 exempt from this section.

249 Section 3. Paragraph (c) of subsection (1) of section
 250 120.81, Florida Statutes, is amended to read:

251 120.81 Exceptions and special requirements; general areas.—

252 (1) EDUCATIONAL UNITS.—

253 (c) Notwithstanding s. 120.52(16), any tests, test scoring
 254 criteria, or testing procedures relating to student assessment
 255 which are developed or administered by the Department of
 256 Education pursuant to s. 1003.4282 ~~1003.428~~, ~~s. 1003.429~~, s.
 257 1003.438, s. 1008.22, or s. 1008.25, or any other statewide
 258 educational tests required by law, are not rules.

259 Section 4. Paragraph (a) of subsection (2) of section
 260 409.1451, Florida Statutes, is amended to read:
 261 409.1451 The Road-to-Independence Program.—

3-00935A-14 20141226__

262 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

263 (a) A young adult is eligible for services and support
 264 under this subsection if he or she:

265 1. Was living in licensed care on his or her 18th birthday
 266 or is currently living in licensed care; or was at least 16
 267 years of age and was adopted from foster care or placed with a
 268 court-approved dependency guardian after spending at least 6
 269 months in licensed care within the 12 months immediately
 270 preceding such placement or adoption;

271 2. Spent at least 6 months in licensed care before reaching
 272 his or her 18th birthday;

273 3. Earned a standard high school diploma pursuant to s.
 274 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
 275 pursuant to ~~s. 1003.428~~, ~~s. 1003.4281~~, ~~s. 1003.429~~, s. 1003.435,
 276 or a special diploma pursuant to s. 1003.438;

277 4. Has been admitted for enrollment as a full-time student
 278 or its equivalent in an eligible postsecondary educational
 279 institution as provided in s. 1009.533. For purposes of this
 280 section, the term "full-time" means 9 credit hours or the
 281 vocational school equivalent. A student may enroll part-time if
 282 he or she has a recognized disability or is faced with another
 283 challenge or circumstance that would prevent full-time
 284 attendance. A student needing to enroll part-time for any reason
 285 other than having a recognized disability must get approval from
 286 his or her academic advisor;

287 5. Has reached 18 years of age but is not yet 23 years of
 288 age;

289 6. Has applied, with assistance from the young adult's
 290 caregiver and the community-based lead agency, for any other

3-00935A-14 20141226__

291 grants and scholarships for which he or she may qualify;

292 7. Submitted a Free Application for Federal Student Aid

293 which is complete and error free; and

294 8. Signed an agreement to allow the department and the

295 community-based care lead agency access to school records.

296 Section 5. Section 411.226, Florida Statutes, is repealed.

297 Section 6. Section 411.227, Florida Statutes, is repealed.

298 Section 7. Section 411.228, Florida Statutes, is repealed.

299 Section 8. Subsection (8) of section 496.404, Florida

300 Statutes, is amended to read:

301 496.404 Definitions.—As used in ss. 496.401-496.424:

302 (8) "Educational institutions" means those institutions and

303 organizations described in s. 212.08(7)(cc)8.a. The term

304 includes private nonprofit organizations, the purpose of which

305 is to raise funds for schools teaching grades kindergarten

306 through grade 12, colleges, and universities, including a any

307 nonprofit newspaper of free or paid circulation primarily on

308 university or college campuses which holds a current exemption

309 from federal income tax under s. 501(c)(3) of the Internal

310 Revenue Code, an any educational television network or system

311 established pursuant to ~~s. 1001.25~~ or s. 1001.26, and a any

312 nonprofit television or radio station that is a part of such

313 network or system and that holds a current exemption from

314 federal income tax under s. 501(c)(3) of the Internal Revenue

315 Code. The term also includes a nonprofit educational cable

316 consortium that holds a current exemption from federal income

317 tax under s. 501(c)(3) of the Internal Revenue Code, whose

318 primary purpose is the delivery of educational and instructional

319 cable television programming and whose members are composed

3-00935A-14 20141226__

320 exclusively of educational organizations that hold a valid

321 consumer certificate of exemption and that are either an

322 educational institution as defined in this subsection or

323 qualified as a nonprofit organization pursuant to s. 501(c)(3)

324 of the Internal Revenue Code.

325 Section 9. Paragraph (d) of subsection (1) of section

326 775.215, Florida Statutes, is amended to read:

327 775.215 Residency restriction for persons convicted of

328 certain sex offenses.—

329 (1) As used in this section, the term:

330 (d) "School" has the same meaning as provided in s. 1003.01

331 and includes a private school as defined in s. 1002.01, a

332 voluntary prekindergarten education program as described in s.

333 1002.53(3), a public school as described in s. 402.3025(1), the

334 Florida School for the Deaf and the Blind, and the Florida

335 Virtual School ~~as established under s. 1002.37, and a K-8~~

336 ~~Virtual School as established under s. 1002.415,~~ but does not

337 include facilities dedicated exclusively to the education of

338 adults.

339 Section 10. Subsection (1) of section 984.151, Florida

340 Statutes, is amended to read:

341 984.151 Truancy petition; prosecution; disposition.—

342 (1) If the school determines that a student subject to

343 compulsory school attendance has had at least five unexcused

344 absences, or absences for which the reasons are unknown, within

345 a calendar month or 10 unexcused absences, or absences for which

346 the reasons are unknown, within a 90-calendar-day period

347 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused

348 absences in a 90-calendar-day period, the superintendent of

3-00935A-14 20141226__

349 schools or his or her designee may file a truancy petition.

350 Section 11. Subsection (5) of section 1000.01, Florida

351 Statutes, is repealed.

352 Section 12. Subsection (7) of section 1000.21, Florida

353 Statutes, is amended to read:

354 1000.21 Systemwide definitions.—As used in the Florida K-20

355 Education Code:

356 (7) "Next Generation Sunshine State Standards" means the

357 state's public K-12 curricular standards, ~~including common core~~

358 ~~standards in English Language Arts and mathematics,~~ adopted

359 under s. 1003.41.

360 Section 13. Section 1000.33, Florida Statutes, is repealed.

361 Section 14. Section 1000.37, Florida Statutes, is repealed.

362 Section 15. Paragraphs (h) and (l) of subsection (6) of

363 section 1001.10, Florida Statutes, are amended to read:

364 1001.10 Commissioner of Education; general powers and

365 duties.—

366 (6) Additionally, the commissioner has the following

367 general powers and duties:

368 ~~(h) To develop and implement a plan for cooperating with~~

369 ~~the Federal Government in carrying out any or all phases of the~~

370 ~~educational program and to recommend policies for administering~~

371 ~~funds that are appropriated by Congress and apportioned to the~~

372 ~~state for any or all educational purposes. The Commissioner of~~

373 ~~Education shall submit to the Legislature the proposed state~~

374 ~~plan for the reauthorization of the No Child Left Behind Act~~

375 ~~before the proposed plan is submitted to federal agencies. The~~

376 ~~President of the Senate and the Speaker of the House of~~

377 ~~Representatives shall appoint members of the appropriate~~

3-00935A-14 20141226__

378 ~~education and appropriations committees to serve as a select~~

379 ~~committee to review the proposed plan.~~

380 ~~(k)(1) To prepare, publish, and disseminate maintain a~~

381 ~~Citizen Information Center responsible for the preparation,~~

382 ~~publication, and dissemination of user-friendly materials~~

383 ~~relating to the state's education system, including the state's~~

384 ~~K-12 scholarship programs and the Voluntary Prekindergarten~~

385 ~~Education Program.~~

386 Section 16. Section 1001.25, Florida Statutes, is repealed.

387 Section 17. Section 1001.26, Florida Statutes, is amended

388 to read:

389 1001.26 Public broadcasting program system.—

390 (1) There is created a public broadcasting program system

391 for the state. The department shall provide funds, as

392 specifically appropriated in the General Appropriations Act, to

393 educational television stations qualified by the Corporation for

394 Public Broadcasting that are part of the public broadcasting

395 program system ~~administer this program system pursuant to rules~~

396 ~~adopted by the State Board of Education. This program system~~

397 ~~must complement and share resources with the instructional~~

398 ~~programming service of the Department of Education and~~

399 ~~educational UHF, VHF, EBS, and FM stations in the state. The~~

400 ~~program system must include:~~

401 (a) Support for existing Corporation for Public

402 Broadcasting qualified program system educational television

403 stations and new stations meeting Corporation for Public

404 Broadcasting qualifications and providing a first service to an

405 audience that does not currently receive a broadcast signal or

406 providing a significant new program service as defined by rule

3-00935A-14

20141226__

407 ~~by the State Board of Education.~~

408 (b) Maintenance of quality broadcast capability for
409 educational stations that are part of the program system.

410 (c) Interconnection of all educational stations that are
411 part of the program system for simultaneous broadcast and of
412 such stations with all universities and other institutions as
413 necessary for sharing of resources and delivery of programming.

414 (d) Establishment and maintenance of a capability for
415 statewide program distribution with facilities and staff,
416 provided such facilities and staff complement and strengthen
417 existing ~~or future~~ educational television stations ~~in accordance~~
418 ~~with paragraph (a) and s. 1001.25(2)(c).~~

419 (e) Provision of both statewide programming funds and
420 station programming support for educational television to meet
421 statewide priorities. Priorities for station programming need
422 not be the same as priorities for programming to be used
423 statewide. Station programming may include, but shall not be
424 limited to, citizens' participation programs, music and fine
425 arts programs, coverage of public hearings and governmental
426 meetings, equal air time for political candidates, and other
427 public interest programming.

428 (2)(a) ~~The Department of Education is responsible for~~
429 ~~implementing the provisions of this section pursuant to s.~~
430 ~~282.702 and~~ may employ personnel, acquire equipment and
431 facilities, and perform all duties necessary for carrying out
432 the purposes and objectives of this section.

433 ~~(b) The department shall provide through educational~~
434 ~~television and other electronic media a means of extending~~
435 ~~educational services to all the state system of public~~

Page 15 of 121

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3-00935A-14

20141226__

436 education. The department shall recommend to the State Board of
437 Education rules necessary to provide such services.

438 ~~(c) The department is authorized to provide equipment,~~
439 ~~funds, and other services to extend and update both the existing~~
440 ~~and the proposed educational television systems of tax supported~~
441 ~~and nonprofit, corporate-owned facilities. All stations funded~~
442 ~~must be qualified by the Corporation for Public Broadcasting.~~
443 ~~New stations eligible for funding shall provide a first service~~
444 ~~to an audience that is not currently receiving a broadcast~~
445 ~~signal or provide a significant new program service as defined~~
446 ~~by State Board of Education rules. Funds appropriated to the~~
447 ~~department for educational television may be used by the~~
448 ~~department for educational television only.~~

449 (3)(a) The facilities, plant, or personnel of an
450 educational television station that is supported in whole or in
451 part by state funds may not be used directly or indirectly for
452 the promotion, advertisement, or advancement of a political
453 candidate for a municipal, county, legislative, congressional,
454 or state office. However, fair, open, and free discussion
455 between political candidates for municipal, county, legislative,
456 congressional, or state office may be permitted in order to help
457 materially reduce the excessive cost of campaigns and to ensure
458 that the state's citizens are fully informed about issues and
459 candidates in campaigns. This paragraph applies to the advocacy
460 for, or opposition to, a specific existing or proposed program
461 of governmental action, which includes, but is not limited to,
462 constitutional amendments, tax referenda, and bond issues. This
463 paragraph shall be implemented in accordance with rules of the
464 State Board of Education.

Page 16 of 121

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3-00935A-14

20141226__

465 (b) A violation of a prohibition contained in this
 466 subsection is a misdemeanor of the second degree, punishable as
 467 provided in s. 775.082 or s. 775.083.

468 Section 18. Subsection (7) of section 1001.47, Florida
 469 Statutes, is repealed.

470 Section 19. Subsection (6) of section 1001.50, Florida
 471 Statutes, is repealed.

472 Section 20. Section 1001.62, Florida Statutes, is repealed.

473 Section 21. Subsection (3) of section 1001.73, Florida
 474 Statutes, is repealed.

475 Section 22. Subsections (8), (16), and (21) of section
 476 1002.20, Florida Statutes, are amended to read:

477 1002.20 K-12 student and parent rights.—Parents of public
 478 school students must receive accurate and timely information
 479 regarding their child's academic progress and must be informed
 480 of ways they can help their child to succeed in school. K-12
 481 students and their parents are afforded numerous statutory
 482 rights including, but not limited to, the following:

483 (8) STUDENTS WITH DISABILITIES.—Parents of public school
 484 students with disabilities and parents of public school students
 485 in residential care facilities are entitled to notice and due
 486 process in accordance with the provisions of ss. 1003.57 and
 487 1003.58. Public school students with disabilities must be
 488 provided the opportunity to meet the graduation requirements for
 489 a standard high school diploma as set forth in s. 1003.4282 in
 490 accordance with the provisions of ss. 1003.57 and 1008.22 ~~s.~~
 491 ~~1003.428(3)~~. Pursuant to s. 1003.438, certain public school
 492 students with disabilities may be awarded a special diploma upon
 493 high school graduation.

Page 17 of 121

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3-00935A-14

20141226__

494 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
 495 REPORTS.—Parents of public school students are entitled to an
 496 easy-to-read report card about the school's grade designation
 497 or, if applicable under s. 1008.341, the school's improvement
 498 rating, and the school's ~~school~~ accountability report, including
 499 the school financial report as required under s. 1010.215, ~~and~~
 500 ~~school improvement rating of their child's school in accordance~~
 501 ~~with the provisions of ss. 1008.22, 1003.02(3), and 1010.215(5).~~

502 (21) PARENTAL INPUT AND MEETINGS.—

503 (a) *Meetings with school district personnel.*—Parents of
 504 public school students may be accompanied by another adult of
 505 their choice at a any meeting with school district personnel.
 506 School district personnel may not object to the attendance of
 507 such adult or discourage or attempt to discourage, through an
 508 ~~any~~ action, statement, or other means, the parents of students
 509 with disabilities from inviting another person of their choice
 510 to attend a any meeting. Such prohibited actions include, but
 511 are not limited to, attempted or actual coercion or harassment
 512 of parents or students or retaliation or threats of consequences
 513 to parents or students.

514 1. Such meetings include, but are not limited to, meetings
 515 related to: the eligibility for exceptional student education or
 516 related services; the development of an individual family
 517 support plan (IFSP); the development of an individual education
 518 plan (IEP); the development of a 504 accommodation plan issued
 519 under s. 504 of the Rehabilitation Act of 1973; the transition
 520 of a student from early intervention services to other services;
 521 the development of postsecondary goals for a student with a
 522 disability and the transition services needed to reach those

Page 18 of 121

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3-00935A-14

20141226__

523 goals; and other issues that may affect the a student's
 524 educational environment, discipline, or placement of a student
 525 with a disability.

526 2. The parents and school district personnel attending the
 527 meeting shall sign a document at the meeting's conclusion which
 528 states whether any school district personnel have prohibited,
 529 discouraged, or attempted to discourage the parents from
 530 inviting a person of their choice to the meeting.

531 ~~(b) School district best financial management practice~~
 532 ~~reviews. Public school students and their parents may provide~~
 533 ~~input regarding their concerns about the operations and~~
 534 ~~management of the school district both during and after the~~
 535 ~~conduct of a school district best financial management practices~~
 536 ~~review, in accordance with the provisions of s. 1008.35.~~

537 (b)(e) District school board educational facilities
 538 programs. Parents of public school students and other members of
 539 the public have the right to receive proper public notice and
 540 opportunity for public comment regarding the district school
 541 board's educational facilities work program, in accordance with
 542 the provisions of s. 1013.35.

543 Section 23. Subsections (2) through (8) of section 1002.31,
 544 Florida Statutes, are amended to read:

545 1002.31 Controlled open enrollment; public school parental
 546 choice.-

547 (2) Each district school board may offer controlled open
 548 enrollment within the public schools which is. ~~The controlled~~
 549 ~~open enrollment program shall be offered~~ in addition to the
 550 existing choice programs such as virtual instruction programs,
 551 magnet schools, alternative schools, special programs, advanced

3-00935A-14

20141226__

552 placement, and dual enrollment.

553 (3) Each district school board offering controlled open
 554 enrollment shall adopt by rule and post on its website ~~develop~~ a
 555 controlled open enrollment plan which must: ~~describes the~~
 556 ~~implementation of subsection (2).~~

557 ~~(a)(4) School districts shall~~ Adhere to federal
 558 desegregation requirements. ~~No controlled open enrollment plan~~
 559 ~~that conflicts with federal desegregation orders shall be~~
 560 ~~implemented.~~

561 (5) Each school district shall develop a system of
 562 priorities for its plan that includes consideration of the
 563 following:

564 (b)(a) Include an application process required to
 565 participate in the controlled open enrollment program.

566 ~~(b) A process~~ that allows parents to declare school
 567 preferences, including-

568 ~~(c) A process that encourages~~ placement of siblings within
 569 the same school.

570 (c)(d) Provide a lottery procedure ~~used by the school~~
 571 ~~district~~ to determine student assignment and establish-

572 ~~(e) an appeals process for hardship cases.~~

573 (d) Afford parents of students in multiple session schools
 574 preferred access to controlled open enrollment.

575 ~~(e)(f) The procedures to~~ Maintain socioeconomic,
 576 demographic, and racial balance.

577 (f)(g) Address the availability of transportation.

578 ~~(h) A process that promotes strong parental involvement,~~
 579 ~~including the designation of a parent liaison.~~

580 ~~(i) A strategy that establishes a clearinghouse of~~

3-00935A-14

20141226__

581 ~~information designed to assist parents in making informed~~
582 ~~choices.~~

583 ~~(6) Plans shall be submitted to the Commissioner of~~
584 ~~Education. The Commissioner of Education shall develop an annual~~
585 ~~report on the status of school choice and deliver the report to~~
586 ~~the Governor, the President of the Senate, and the Speaker of~~
587 ~~the House of Representatives at least 90 days prior to the~~
588 ~~convening of the regular session of the Legislature.~~

589 ~~(7) Notwithstanding any provision of this section, a school~~
590 ~~district with schools operating on both multiple session~~
591 ~~schedules and single session schedules shall afford parents of~~
592 ~~students in multiple session schools preferred access to the~~
593 ~~controlled open enrollment program of the school district.~~

594 (4)(8) In accordance with the reporting requirements of s.
595 1011.62, each district school board shall annually report the
596 number of students applying for and attending the various types
597 of public schools of choice in the district, including schools
598 such as virtual instruction programs, magnet schools, and public
599 charter schools, according to rules adopted by the State Board
600 of Education.

601 Section 24. Subsection (5) of section 1002.3105, Florida
602 Statutes, is amended to read:

603 1002.3105 Academically Challenging Curriculum to Enhance
604 Learning (ACCEL) options.-

605 (5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.-A student who
606 meets the applicable grade 9 cohort graduation requirements of
607 s. 1003.4282(3)(a)-(e) or s. 1003.4282(10)(a)1.-5., (b)1.-5.,
608 (c)1.-5., or (d)1.-5., earns three credits in electives, and
609 earns a cumulative grade point average (GPA) of 2.0 on a 4.0

3-00935A-14

20141226__

610 scale shall be awarded a standard high school diploma in a form
611 prescribed by the State Board of Education.

612 Section 25. Subsection (3) of section 1002.321, Florida
613 Statutes, is amended to read:

614 1002.321 Digital learning.-

615 (3) DIGITAL PREPARATION.-As required under s. 1003.4282, a
616 Each student entering grade 9 in the 2011-2012 school year and
617 thereafter who seeks a high school diploma must take graduate
618 from high school having taken at least one online course, as
619 provided in s. 1003.428.

620 Section 26. Paragraph (a) of subsection (6), paragraph (a)
621 of subsection (7), paragraphs (b) and (c) of subsection (15),
622 and subsection (25) of section 1002.33, Florida Statutes, are
623 amended to read:

624 1002.33 Charter schools.-

625 (6) APPLICATION PROCESS AND REVIEW.-Charter school
626 applications are subject to the following requirements:

627 (a) A person or entity wishing to open a charter school
628 shall prepare and submit an application on a model application
629 form prepared by the Department of Education which:
630 1. Demonstrates how the school will use the guiding
631 principles and meet the statutorily defined purpose of a charter
632 school.

633 2. Provides a detailed curriculum plan that illustrates how
634 students will be provided services to attain the Sunshine State
635 Standards.

636 3. Contains goals and objectives for improving student
637 learning and measuring that improvement. These goals and
638 objectives must indicate how much academic improvement students

3-00935A-14

20141226__

639 are expected to show each year, how success will be evaluated,
640 and the specific results to be attained through instruction.

641 4. Describes the reading curriculum and differentiated
642 strategies that will be used for students reading at grade level
643 or higher and a separate curriculum and strategies for students
644 who are reading below grade level. A sponsor shall deny a
645 charter if the school does not propose a reading curriculum that
646 is consistent with effective teaching strategies that are
647 grounded in scientifically based reading research.

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

654 6. ~~Contains documents that the applicant has participated~~
655 ~~in the training required in subparagraph (f)2. A sponsor may~~
656 ~~require an applicant to provide~~ additional information a sponsor
657 may require, which shall be attached as an addendum to the
658 charter school application described in this paragraph.

659 7. For the establishment of a virtual charter school,
660 documents that the applicant has contracted with a provider of
661 virtual instruction services pursuant to s. 1002.45(1)(d).

662 (7) CHARTER.—The major issues involving the operation of a
663 charter school shall be considered in advance and written into
664 the charter. The charter shall be signed by the governing board
665 of the charter school and the sponsor, following a public
666 hearing to ensure community input.

667 (a) The charter shall address and criteria for approval of

3-00935A-14

20141226__

668 the charter shall be based on:

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

671 2. The focus of the curriculum, the instructional methods
672 to be used, any distinctive instructional techniques to be
673 employed, and identification and acquisition of appropriate
674 technologies needed to improve educational and administrative
675 performance which include a means for promoting safe, ethical,
676 and appropriate uses of technology which comply with legal and
677 professional standards.

678 a. The charter shall ensure that reading is a primary focus
679 of the curriculum and that resources are provided to identify
680 and provide specialized instruction for students who are reading
681 below grade level. The curriculum and instructional strategies
682 for reading must be consistent with the Next Generation Sunshine
683 State Standards and grounded in scientifically based reading
684 research.

685 b. In order to provide students with access to diverse
686 instructional delivery models, to facilitate the integration of
687 technology within traditional classroom instruction, and to
688 provide students with the skills they need to compete in the
689 21st century economy, the Legislature encourages instructional
690 methods for blended learning courses consisting of both
691 traditional classroom and online instructional techniques.
692 Charter schools may implement blended learning courses which
693 combine traditional classroom instruction and virtual
694 instruction. Students in a blended learning course must be full-
695 time students of the charter school and receive the online
696 instruction in a classroom setting at the charter school.

3-00935A-14 20141226__

697 Instructional personnel certified pursuant to s. 1012.55 who
 698 provide virtual instruction for blended learning courses may be
 699 employees of the charter school or may be under contract to
 700 provide instructional services to charter school students. At a
 701 minimum, such instructional personnel must hold an active state
 702 or school district adjunct certification under s. 1012.57 for
 703 the subject area of the blended learning course. The funding and
 704 performance accountability requirements for blended learning
 705 courses are the same as those for traditional courses.

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

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

712 b. How these baseline rates will be compared to rates of
 713 academic progress achieved by these same students while
 714 attending the charter school.

715 c. To the extent possible, how these rates of progress will
 716 be evaluated and compared with rates of progress of other
 717 closely comparable student populations.

718
 719 The district school board is required to provide academic
 720 student performance data to charter schools for each of their
 721 students coming from the district school system, as well as
 722 rates of academic progress of comparable student populations in
 723 the district school system.

724 4. The methods used to identify the educational strengths
 725 and needs of students and how well educational goals and

3-00935A-14 20141226__

726 performance standards are met by students attending the charter
 727 school. The methods shall provide a means for the charter school
 728 to ensure accountability to its constituents by analyzing
 729 student performance data and by evaluating the effectiveness and
 730 efficiency of its major educational programs. Students in
 731 charter schools shall, at a minimum, participate in the
 732 statewide assessment program created under s. 1008.22.

733 5. In secondary charter schools, a method for determining
 734 that a student has satisfied the requirements for graduation in
 735 s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282.

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

738 7. The admissions procedures and dismissal procedures,
 739 including the school's code of student conduct.

740 8. The ways by which the school will achieve a
 741 racial/ethnic balance reflective of the community it serves or
 742 within the racial/ethnic range of other public schools in the
 743 same school district.

744 9. The financial and administrative management of the
 745 school, including a reasonable demonstration of the professional
 746 experience or competence of those individuals or organizations
 747 applying to operate the charter school or those hired or
 748 retained to perform such professional services and the
 749 description of clearly delineated responsibilities and the
 750 policies and practices needed to effectively manage the charter
 751 school. A description of internal audit procedures and
 752 establishment of controls to ensure that financial resources are
 753 properly managed must be included. Both public sector and
 754 private sector professional experience shall be equally valid in

3-00935A-14

20141226__

755 such a consideration.

756 10. The asset and liability projections required in the
757 application which are incorporated into the charter and shall be
758 compared with information provided in the annual report of the
759 charter school.

760 11. A description of procedures that identify various risks
761 and provide for a comprehensive approach to reduce the impact of
762 losses; plans to ensure the safety and security of students and
763 staff; plans to identify, minimize, and protect others from
764 violent or disruptive student behavior; and the manner in which
765 the school will be insured, including whether or not the school
766 will be required to have liability insurance, and, if so, the
767 terms and conditions thereof and the amounts of coverage.

768 12. The term of the charter which shall provide for
769 cancellation of the charter if insufficient progress has been
770 made in attaining the student achievement objectives of the
771 charter and if it is not likely that such objectives can be
772 achieved before expiration of the charter. The initial term of a
773 charter shall be for 4 or 5 years. In order to facilitate access
774 to long-term financial resources for charter school
775 construction, charter schools that are operated by a
776 municipality or other public entity as provided by law are
777 eligible for up to a 15-year charter, subject to approval by the
778 district school board. A charter lab school is eligible for a
779 charter for a term of up to 15 years. In addition, to facilitate
780 access to long-term financial resources for charter school
781 construction, charter schools that are operated by a private,
782 not-for-profit, s. 501(c)(3) status corporation are eligible for
783 up to a 15-year charter, subject to approval by the district

Page 27 of 121

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3-00935A-14

20141226__

784 school board. Such long-term charters remain subject to annual
785 review and may be terminated during the term of the charter, but
786 only according to the provisions set forth in subsection (8).

787 13. The facilities to be used and their location. The
788 sponsor may not require a charter school to have a certificate
789 of occupancy or a temporary certificate of occupancy for such a
790 facility earlier than 15 calendar days before the first day of
791 school.

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

795 15. The governance structure of the school, including the
796 status of the charter school as a public or private employer as
797 required in paragraph (12)(i).

798 16. A timetable for implementing the charter which
799 addresses the implementation of each element thereof and the
800 date by which the charter shall be awarded in order to meet this
801 timetable.

802 17. In the case of an existing public school that is being
803 converted to charter status, alternative arrangements for
804 current students who choose not to attend the charter school and
805 for current teachers who choose not to teach in the charter
806 school after conversion in accordance with the existing
807 collective bargaining agreement or district school board rule in
808 the absence of a collective bargaining agreement. However,
809 alternative arrangements shall not be required for current
810 teachers who choose not to teach in a charter lab school, except
811 as authorized by the employment policies of the state university
812 which grants the charter to the lab school.

Page 28 of 121

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3-00935A-14

20141226__

813 18. Full disclosure of the identity of all relatives
 814 employed by the charter school who are related to the charter
 815 school owner, president, chairperson of the governing board of
 816 directors, superintendent, governing board member, principal,
 817 assistant principal, or any other person employed by the charter
 818 school who has equivalent decisionmaking authority. For the
 819 purpose of this subparagraph, the term "relative" means father,
 820 mother, son, daughter, brother, sister, uncle, aunt, first
 821 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 822 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 823 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 824 stepsister, half brother, or half sister.

825 19. Implementation of the activities authorized under s.
 826 1002.331 by the charter school when it satisfies the eligibility
 827 requirements for a high-performing charter school. A high-
 828 performing charter school shall notify its sponsor in writing by
 829 March 1 if it intends to increase enrollment or expand grade
 830 levels the following school year. The written notice shall
 831 specify the amount of the enrollment increase and the grade
 832 levels that will be added, as applicable.

833 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
 834 A-MUNICIPALITY.-

835 (b) A charter school-in-the-workplace may be established
 836 when a business partner provides the school facility to be used;
 837 enrolls students based upon a random lottery that involves all
 838 of the children of employees of that business or corporation who
 839 are seeking enrollment, as provided for in subsection (10); and
 840 enrolls students according to the racial/ethnic balance
 841 provisions described in subparagraph (7)(a)8. ~~Any portion of a~~

Page 29 of 121

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3-00935A-14

20141226__

842 ~~facility used for a public charter school shall be exempt from~~
 843 ~~ad valorem taxes, as provided for in s. 1013.54, for the~~
 844 ~~duration of its use as a public school.~~

845 (c) A charter school-in-a-municipality designation may be
 846 granted to a municipality that possesses a charter; enrolls
 847 students based upon a random lottery that involves all of the
 848 children of the residents of that municipality who are seeking
 849 enrollment, as provided for in subsection (10); and enrolls
 850 students according to the racial/ethnic balance provisions
 851 described in subparagraph (7)(a)8. When a municipality has
 852 submitted charter applications for the establishment of a
 853 charter school feeder pattern, consisting of elementary, middle,
 854 and senior high schools, and each individual charter application
 855 is approved by the district school board, such schools shall
 856 then be designated as one charter school for all purposes listed
 857 pursuant to this section. ~~Any portion of the land and facility~~
 858 ~~used for a public charter school shall be exempt from ad valorem~~
 859 ~~taxes, as provided for in s. 1013.54, for the duration of its~~
 860 ~~use as a public school.~~

861 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
 862 SCHOOL SYSTEMS.-A charter school system's governing board system
 863 shall be designated a local educational agency for the purpose
 864 of receiving federal funds, the same as though the charter
 865 school system were a school district, if the governing board of
 866 the charter school system has adopted and filed a resolution
 867 with its sponsoring district school board and the Department of
 868 Education in which the governing board of the charter school
 869 system accepts the full responsibility for all local education
 870 agency requirements and the charter school system meets all of

Page 30 of 121

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3-00935A-14 20141226__

871 the following:

- 872 (a) Includes both conversion charter schools and
 873 nonconversion charter schools;
 874 (b) Has all schools located in the same county;
 875 (c) Has a total enrollment exceeding the total enrollment
 876 of at least one school district in the state;
 877 (d) Has the same governing board; and
 878 (e) Does not contract with a for-profit service provider
 879 for management of school operations.

880
 881 Such designation does not apply to other provisions unless
 882 specifically provided in law.

883 Section 27. Paragraph (g) of subsection (4) and paragraph
 884 (d) of subsection (6) of section 1002.34, Florida Statutes, are
 885 amended to read:

886 1002.34 Charter technical career centers.—

887 (4) CHARTER.—A sponsor may designate centers as provided in
 888 this section. An application to establish a center may be
 889 submitted by a sponsor or another organization that is
 890 determined, by rule of the State Board of Education, to be
 891 appropriate. However, an independent school is not eligible for
 892 status as a center. The charter must be signed by the governing
 893 body of the center and the sponsor and must be approved by the
 894 district school board and Florida College System institution
 895 board of trustees in whose geographic region the facility is
 896 located. If a charter technical career center is established by
 897 the conversion to charter status of a public technical center
 898 formerly governed by a district school board, the charter status
 899 of that center takes precedence in any question of governance.

Page 31 of 121

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3-00935A-14 20141226__

900 The governance of the center or of any program within the center
 901 remains with its board of directors unless the board agrees to a
 902 change in governance or its charter is revoked as provided in
 903 subsection (15). Such a conversion charter technical career
 904 center is not affected by a change in the governance of public
 905 technical centers or of programs within other centers that are
 906 or have been governed by district school boards. A charter
 907 technical career center, or any program within such a center,
 908 that was governed by a district school board and transferred to
 909 a Florida College System institution prior to the effective date
 910 of this act is not affected by this provision. An applicant who
 911 wishes to establish a center must submit to the district school
 912 board or Florida College System institution board of trustees,
 913 or a consortium of one or more of each, an application on a form
 914 developed by the Department of Education which includes:

915 (g) A method for determining whether a student has
 916 satisfied the requirements for graduation specified in s.
 917 1002.3105(5), s. 1003.4281, or s. 1003.4282 ~~1003.428 or s.~~
 918 ~~1003.429~~ and for completion of a postsecondary certificate or
 919 degree.

920
 921 Students at a center must meet the same testing and academic
 922 performance standards as those established by law and rule for
 923 students at public schools and public technical centers. The
 924 students must also meet any additional assessment indicators
 925 that are included within the charter approved by the district
 926 school board or Florida College System institution board of
 927 trustees.

928 (6) SPONSOR.—A district school board or Florida College

Page 32 of 121

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3-00935A-14 20141226__

929 System institution board of trustees or a consortium of one or
 930 more of each may sponsor a center in the county in which the
 931 board has jurisdiction.

932 (d)1. The Department of Education shall offer or arrange
 933 for training and technical assistance to centers which must
 934 include applicants in developing and amending business plans,
 935 and estimating and accounting for costs and income, complying
 936 with state and federal grant and student performance
 937 accountability reporting requirements, implementing good
 938 business practices. ~~This assistance shall address estimating~~
 939 ~~startup costs, projecting enrollment, and identifying the types~~
 940 ~~and amounts of state and federal financial aid assistance the~~
 941 ~~center may be eligible to receive. The training shall include~~
 942 ~~instruction in accurate financial planning and good business~~
 943 ~~practices.~~

944 2. An applicant must participate in the training provided
 945 by the department after approval of its of Education before
 946 filing an application but at least 30 days before the first day
 947 of classes at the center. The department ~~of Education~~ may
 948 provide technical assistance to an applicant upon written
 949 request.

950 Section 28. Paragraphs (a) and (b) of subsection (1) and
 951 subsection (3) of section 1002.345, Florida Statutes, are
 952 amended to read:

953 1002.345 Determination of deteriorating financial
 954 conditions and financial emergencies for charter schools and
 955 charter technical career centers.—This section applies to
 956 charter schools operating pursuant to s. 1002.33 and to charter
 957 technical career centers operating pursuant to s. 1002.34.

3-00935A-14 20141226__

958 (1) EXPEDITED REVIEW; REQUIREMENTS.—

959 (a) A charter school or a charter technical career center
 960 is subject to an expedited review by the sponsor if one of the
 961 following occurs:

962 1. Failure to provide for an audit required by s. 218.39.
 963 2. Failure to comply with reporting requirements pursuant
 964 to s. 1002.33(9) or s. 1002.34(11)(f) or (14).
 965 3. A deteriorating financial condition identified through
 966 an annual audit pursuant to s. 218.39(5), ~~or~~ a monthly financial
 967 statement pursuant to s. 1002.33(9)(g) or s. 1002.34(11)(f), or
 968 a quarterly financial statement pursuant to s. 1002.331(2)(c).
 969 "Deteriorating financial condition" means a circumstance that
 970 significantly impairs the ability of a charter school or a
 971 charter technical career center to generate enough revenues to
 972 meet its expenditures without causing the occurrence of a
 973 condition described in s. 218.503(1).
 974 4. Notification pursuant to s. 218.503(2) that one or more
 975 of the conditions specified in s. 218.503(1) have occurred or
 976 will occur if action is not taken to assist the charter school
 977 or charter technical career center.

978 (b) A sponsor shall notify the governing board and the
 979 Commissioner of Education within 7 business days after one or
 980 more of the conditions specified in paragraph (a) occur.

981 ~~(3) REPORT.—The Commissioner of Education shall annually~~
 982 ~~report to the State Board of Education each charter school and~~
 983 ~~charter technical career center that is subject to a financial~~
 984 ~~recovery plan or a corrective action plan under this section.~~

985 Section 29. Paragraph (a) of subsection (2) of section
 986 1002.39, Florida Statutes, is amended to read:

3-00935A-14

20141226__

987 1002.39 The John M. McKay Scholarships for Students with
 988 Disabilities Program.—There is established a program that is
 989 separate and distinct from the Opportunity Scholarship Program
 990 and is named the John M. McKay Scholarships for Students with
 991 Disabilities Program.

992 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
 993 student with a disability may request and receive from the state
 994 a John M. McKay Scholarship for the child to enroll in and
 995 attend a private school in accordance with this section if:

996 (a) The student has:

997 1. Received specialized instructional services under the
 998 Voluntary Prekindergarten Education Program pursuant to s.
 999 1002.66 during the previous school year and the student has a
 1000 current individual educational plan developed by the local
 1001 school board in accordance with rules of the State Board of
 1002 Education for the John M. McKay Scholarships for Students with
 1003 Disabilities Program or a 504 accommodation plan has been issued
 1004 under s. 504 of the Rehabilitation Act of 1973; or

1005 2. Spent the prior school year in attendance at a Florida
 1006 public school or the Florida School for the Deaf and the Blind.
 1007 For purposes of this subparagraph, prior school year in
 1008 attendance means that the student was enrolled and reported by:

1009 a. A school district for funding during the preceding
 1010 October and February Florida Education Finance Program surveys
 1011 in kindergarten through grade 12, which includes time spent in a
 1012 Department of Juvenile Justice commitment program if funded
 1013 under the Florida Education Finance Program;

1014 b. The Florida School for the Deaf and the Blind during
 1015 the preceding October and February student membership surveys in

Page 35 of 121

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3-00935A-14

20141226__

1016 kindergarten through grade 12; or

1017 c. A school district for funding during the preceding
 1018 October and February Florida Education Finance Program surveys,
 1019 was at least 4 years of age when so enrolled and reported, and
 1020 was eligible for services under s. 1003.21(1)(e) ~~or~~

1021 3. Been enrolled and reported by a school district for
 1022 funding, during the October and February Florida Education
 1023 Finance Program surveys, in any of the 5 years prior to the
 1024 2010-2011 fiscal year; has a current individualized educational
 1025 plan developed by the district school board in accordance with
 1026 rules of the State Board of Education for the John M. McKay
 1027 Scholarship Program no later than June 30, 2011; and receives a
 1028 first time John M. McKay scholarship for the 2011-2012 school
 1029 year. Upon request of the parent, the local school district
 1030 shall complete a matrix of services as required in subparagraph
 1031 (5)(b)1. for a student requesting a current individualized
 1032 educational plan in accordance with the provisions of this
 1033 subparagraph.

1034
 1035 However, a dependent child of a member of the United States
 1036 Armed Forces who transfers to a school in this state from out of
 1037 state or from a foreign country due to a parent's permanent
 1038 change of station orders is exempt from this paragraph but must
 1039 meet all other eligibility requirements to participate in the
 1040 program.

1041 Section 30. Subsection (5) of section 1002.41, Florida
 1042 Statutes, is amended to read:

1043 1002.41 Home education programs.—

1044 (5) Home education students may participate in the Bright

Page 36 of 121

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3-00935A-14 20141226__

1045 Futures Scholarship Program in accordance with the provisions of
 1046 ss. 1009.53-1009.538 ~~1009.53-1009.539~~.

1047 Section 31. Section 1002.415, Florida Statutes, is
 1048 repealed.

1049 Section 32. Paragraph (b) of subsection (4) and subsection
 1050 (10) of section 1002.45, Florida Statutes, are amended to read:
 1051 1002.45 Virtual instruction programs.—

1052 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
 1053 provider must at minimum:

1054 (b) Provide a method for determining that a student has
 1055 satisfied the requirements for graduation in s. 1002.3105(5), s.
 1056 1003.4281, ~~1003.428~~ or s. 1003.4282 if the contract is for the
 1057 provision of a full-time virtual instruction program to students
 1058 in grades 9 through 12.

1059 (10) MARKETING.—Each school district shall provide
 1060 information to parents and students about the ~~parent's and~~
 1061 student's right to participate in a virtual instruction program
 1062 under this section and in courses offered by the Florida Virtual
 1063 School under s. 1002.37.

1064 Section 33. Paragraph (c) of subsection (2) of section
 1065 1002.455, Florida Statutes, is amended to read:
 1066 1002.455 Student eligibility for K-12 virtual instruction.—

1067 (2) A student is eligible to participate in virtual
 1068 instruction if:

1069 (c) The student was enrolled during the prior school year
 1070 in a virtual instruction program under s. 1002.45, ~~the K-8~~
 1071 ~~Virtual School Program under s. 1002.415~~, or a full-time Florida
 1072 Virtual School program under s. 1002.37(8)(a);

1073 Section 34. Section 1002.65, Florida Statutes, is repealed.

3-00935A-14 20141226__

1074 Section 35. Subsection (14) of section 1003.01, Florida
 1075 Statutes, is amended to read:

1076 1003.01 Definitions.—As used in this chapter, the term:
 1077 (14) "Core-curricula courses" means:

1078 (a) Courses in language arts/reading, mathematics, social
 1079 studies, and science in prekindergarten through grade 3,
 1080 excluding ~~any~~ extracurricular courses pursuant to subsection
 1081 (15);

1082 (b) Courses in grades 4 through 8 in subjects that are
 1083 measured by state assessment at any grade level and courses
 1084 required for middle school promotion, excluding ~~any~~
 1085 extracurricular courses pursuant to subsection (15);

1086 (c) Courses in grades 9 through 12 in subjects that are
 1087 measured by state assessment at any grade level and courses that
 1088 are specifically identified by name in statute as required for
 1089 high school graduation and that are not measured by state
 1090 assessment, excluding ~~any~~ extracurricular courses pursuant to
 1091 subsection (15);

1092 (d) Exceptional student education courses; and
 1093 (e) English for Speakers of Other Languages courses.

1094

1095 The term is limited in meaning and used for the sole purpose of
 1096 designating classes that are subject to the maximum class size
 1097 requirements established in s. 1, Art. IX of the State
 1098 Constitution. This term does not include courses offered under
 1099 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, ~~1002.415~~,
 1100 1002.45, and 1003.499.

1101 Section 36. Paragraph (d) of subsection (1) of section
 1102 1003.02, Florida Statutes, is amended to read:

3-00935A-14

20141226__

1103 1003.02 District school board operation and control of
 1104 public K-12 education within the school district.—As provided in
 1105 part II of chapter 1001, district school boards are
 1106 constitutionally and statutorily charged with the operation and
 1107 control of public K-12 education within their school district.
 1108 The district school boards must establish, organize, and operate
 1109 their public K-12 schools and educational programs, employees,
 1110 and facilities. Their responsibilities include staff
 1111 development, public K-12 school student education including
 1112 education for exceptional students and students in juvenile
 1113 justice programs, special programs, adult education programs,
 1114 and career education programs. Additionally, district school
 1115 boards must:

1116 (1) Provide for the proper accounting for all students of
 1117 school age, for the attendance and control of students at
 1118 school, and for proper attention to health, safety, and other
 1119 matters relating to the welfare of students in the following
 1120 fields:

1121 (d) *Courses of study and instructional materials.*—

1122 1. Provide adequate instructional materials for all
 1123 students as follows and in accordance with the requirements of
 1124 chapter 1006, in the core courses of mathematics, language arts,
 1125 social studies, science, reading, and literature, except for
 1126 instruction for which the school advisory council approves the
 1127 use of a program that does not include a textbook as a major
 1128 tool of instruction.

1129 2. Adopt courses of study for use in the schools of the
 1130 district.

1131 3. Provide for proper requisitioning, distribution,

3-00935A-14

20141226__

1132 accounting, storage, care, and use of all instructional
 1133 materials as may be needed, and ensure that instructional
 1134 materials used in the district are consistent with the district
 1135 goals and objectives and the course descriptions curriculum
 1136 ~~frameworks~~ approved by the State Board of Education, as well as
 1137 with the state and school district performance standards
 1138 required by law and state board rule.

1139 Section 37. Paragraph (c) of subsection (3) and subsection
 1140 (6) of section 1003.03, Florida Statutes, are amended to read:
 1141 1003.03 Maximum class size.—

1142 (3) IMPLEMENTATION OPTIONS.—District school boards must
 1143 consider, but are not limited to, implementing the following
 1144 items in order to meet the constitutional class size maximums
 1145 described in subsection (1):

1146 (c)1. Repeal district school board policies that require
 1147 students to earn more than the 24 credits ~~required under s.~~
 1148 ~~1003.428~~ to graduate from high school.

1149 2. Implement the early graduation options ~~option~~ provided
 1150 in ss. 1002.3105(5) and s. 1003.4281.

1151 (6) COURSES FOR COMPLIANCE.—Consistent with s. the
 1152 ~~provisions in ss.~~ 1003.01(14) and ~~1003.428~~, the Department of
 1153 Education shall identify from the Course Code Directory the
 1154 core-curricula courses for the purpose of satisfying the maximum
 1155 class size requirement in this section. The department may adopt
 1156 rules to implement this subsection, if necessary.

1157 Section 38. Subsection (3) of section 1003.41, Florida
 1158 Statutes, is amended to read:

1159 1003.41 Next Generation Sunshine State Standards.—

1160 (3) The Commissioner of Education, as needed, shall develop

3-00935A-14

20141226__

1161 and submit proposed revisions to the standards for review and
 1162 comment by Florida educators, school administrators,
 1163 representatives of the Florida College System institutions and
 1164 state universities who have expertise in the content knowledge
 1165 and skills necessary to prepare a student for postsecondary
 1166 education and careers, business and industry leaders, and the
 1167 public. The commissioner, after considering reviews and
 1168 comments, shall submit the proposed revisions to the State Board
 1169 of Education for adoption. ~~In addition, the commissioner shall~~
 1170 ~~prepare an analysis of the costs associated with implementing a~~
 1171 ~~separate, one-half credit course in financial literacy,~~
 1172 ~~including estimated costs for instructional personnel, training,~~
 1173 ~~and the development or purchase of instructional materials. The~~
 1174 ~~commissioner shall work with one or more nonprofit organizations~~
 1175 ~~with proven expertise in the area of personal finance, consider~~
 1176 ~~free resources that can be utilized for instructional materials,~~
 1177 ~~and provide data on the implementation of such a course in other~~
 1178 ~~states. The commissioner shall provide the cost analysis to the~~
 1179 ~~President of the Senate and the Speaker of the House of~~
 1180 ~~Representatives by October 1, 2013.~~

1181 Section 39. Paragraphs (b) and (c) of subsection (1) and
 1182 subsections (2) and (3) of section 1003.4156, Florida Statutes,
 1183 are amended to read:

1184 1003.4156 General requirements for middle grades
 1185 promotion.-

1186 (1) In order for a student to be promoted to high school
 1187 from a school that includes middle grades 6, 7, and 8, the
 1188 student must successfully complete the following courses:

1189 (b) Three middle grades or higher courses in mathematics.

Page 41 of 121

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3-00935A-14

20141226__

1190 Each school that includes middle grades must offer at least one
 1191 high school level mathematics course for which students may earn
 1192 high school credit. Successful completion of a high school level
 1193 Algebra I or Geometry course is not contingent upon the
 1194 student's performance on the statewide, standardized end-of-
 1195 course (EOC) assessment ~~or, upon transition to common core~~
 1196 ~~assessments, the common core Algebra I or geometry assessments~~
 1197 ~~required under s. 1008.22. However, beginning with the 2011-2012~~
 1198 ~~school year, To earn high school credit for Algebra I, a middle~~
 1199 ~~grades student must take the statewide, standardized Algebra I~~
 1200 ~~EOC assessment and pass the course, and in addition, beginning~~
 1201 ~~with the 2013-2014 school year and thereafter, a student's~~
 1202 ~~performance on the Algebra I EOC assessment constitutes 30~~
 1203 ~~percent of the student's final course grade. pass the Algebra I~~
 1204 ~~statewide, standardized assessment, and beginning with the 2012-~~
 1205 ~~2013 school year, To earn high school credit for a Geometry~~
 1206 ~~course, a middle grades student must take the statewide,~~
 1207 ~~standardized Geometry EOC assessment, which constitutes 30~~
 1208 ~~percent of the student's final course grade, and earn a passing~~
 1209 ~~grade in the course.~~

1210 (c) Three middle grades or higher courses in social
 1211 studies. Beginning with students entering grade 6 in the 2012-
 1212 2013 school year, one of these courses must be at least a one-
 1213 semester civics education course that includes the roles and
 1214 responsibilities of federal, state, and local governments; the
 1215 structures and functions of the legislative, executive, and
 1216 judicial branches of government; and the meaning and
 1217 significance of historic documents, such as the Articles of
 1218 Confederation, the Declaration of Independence, and the

Page 42 of 121

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3-00935A-14 20141226__

1219 Constitution of the United States. Beginning with the 2013-2014
 1220 school year, each student's performance on the statewide,
 1221 standardized EOC assessment in civics education required under
 1222 s. 1008.22 constitutes 30 percent of the student's final course
 1223 grade. A middle grades student who transfers into the state's
 1224 public school system from out of country, out of state, a
 1225 private school, or a home education program after the beginning
 1226 of the second term of grade 8 is not required to meet the civics
 1227 education requirement for promotion from the middle grades if
 1228 the student's transcript documents passage of three courses in
 1229 social studies or two year-long courses in social studies that
 1230 include coverage of civics education.

1231
 1232 Each school must inform parents about the course curriculum and
 1233 activities. Each student shall complete a personal education
 1234 plan that must be signed by the student and the student's
 1235 parent. The Department of Education shall develop course
 1236 frameworks and professional development materials for the career
 1237 and education planning course. The course may be implemented as
 1238 a stand-alone course or integrated into another course or
 1239 courses. The Commissioner of Education shall collect
 1240 longitudinal high school course enrollment data by student
 1241 ethnicity in order to analyze course-taking patterns.

1242 (2) If a middle grades student scores Level 1 or Level 2 on
 1243 the statewide, standardized FCAT Reading assessment or, when
 1244 implemented, the state transitions to common core assessments on
 1245 the English Language Arts (ELA) assessment assessments required
 1246 under s. 1008.22, the following year the student must enroll in
 1247 and complete a remedial course or a content area course in which

Page 43 of 121

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3-00935A-14 20141226__

1248 remediation strategies are incorporated into course content
 1249 delivery. The department shall provide guidance on appropriate
 1250 strategies for diagnosing and meeting the varying instructional
 1251 needs of students performing below grade level.

1252 (3) If a middle grades student scores Level 1 or Level 2 on
 1253 the statewide, standardized FCAT Mathematics assessment ~~or, when~~
 1254 ~~the state transitions to common core assessments, on the~~
 1255 ~~mathematics common core assessments required under s. 1008.22,~~
 1256 the following year the student must receive remediation, which
 1257 may be integrated into the student's required mathematics
 1258 courses.

1259 Section 40. Section 1003.428, Florida Statutes, is
 1260 repealed.

1261 Section 41. Subsection (1) of section 1003.4281, Florida
 1262 Statutes, is amended to read:

1263 1003.4281 Early high school graduation.-

1264 (1) The purpose of this section is to provide a student the
 1265 option of early graduation and receipt of a standard high school
 1266 diploma if the student earns 24 credits and meets the graduation
 1267 requirements set forth in ~~s. 1003.428~~ or s. 1003.4282, ~~as~~
 1268 ~~applicable~~. For purposes of this section, the term "early
 1269 graduation" means graduation from high school in less than 8
 1270 semesters or the equivalent.

1271 Section 42. Paragraphs (a), (b), (c), and (f) of subsection
 1272 (3), subsections (4), (5), (7), and (8), and paragraphs (a) and
 1273 (c) of subsection (9) of section 1003.4282, Florida Statutes,
 1274 are amended, subsection (10) is renumbered as subsection (11),
 1275 and a new subsection (10) is added to that section, to read:

1276 1003.4282 Requirements for a standard high school diploma.-

Page 44 of 121

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3-00935A-14

20141226__

1277 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT
1278 REQUIREMENTS.—

1279 (a) *Four credits in English Language Arts (ELA).*—The four
1280 credits must be in ELA I, II, III, and IV. A student must pass
1281 the statewide, standardized 10th grade 10 FCAT Reading
1282 assessment or, when implemented, the until the state transitions
1283 to a common core 10th grade 10 ELA assessment, or earn a
1284 concordant score, after which time a student must pass the ELA
1285 assessment in order to earn a standard high school diploma.

1286 (b) *Four credits in mathematics.*—A student must earn one
1287 credit in Algebra I and one credit in Geometry. A student's
1288 performance on the statewide, standardized Algebra I end-of-
1289 course (EOC) assessment or common core assessment, as
1290 applicable, constitutes 30 percent of the student's final course
1291 grade. A student must pass the statewide, standardized Algebra I
1292 EOC assessment, or earn a comparative score, until the state
1293 transitions to a common core Algebra I assessment after which
1294 time a student must pass the common core assessment in order to
1295 earn a standard high school diploma. A student's performance on
1296 the statewide, standardized Geometry EOC assessment or common
1297 core assessment, as applicable, constitutes 30 percent of the
1298 student's final course grade. If when the state administers a
1299 statewide, standardized common core Algebra II assessment, a
1300 student selecting Algebra II must take the assessment, and the
1301 student's performance on the assessment constitutes 30 percent
1302 of the student's final course grade. A student who earns an
1303 industry certification for which there is a statewide college
1304 credit articulation agreement approved by the State Board of
1305 Education may substitute the certification for one mathematics

Page 45 of 121

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3-00935A-14

20141226__

1306 credit. Substitution may occur for up to two mathematics
1307 credits, except for Algebra I and Geometry. Industry
1308 certification courses that lead to college credit may substitute
1309 for up to two math credits.

1310 (c) *Three credits in science.*—Two of the three required
1311 credits must have a laboratory component. A student must earn
1312 one credit in Biology I and two credits in equally rigorous
1313 courses. The statewide, standardized Biology I EOC assessment
1314 constitutes 30 percent of the student's final course grade. A
1315 student who earns an industry certification for which there is a
1316 statewide college credit articulation agreement approved by the
1317 State Board of Education may substitute the certification for
1318 one science credit, except for Biology I. Industry certification
1319 courses that lead to college credit may substitute for up to one
1320 science credit.

1321 (f) *One credit in physical education.*—Physical education
1322 must include the integration of health. Participation in an
1323 interscholastic sport at the junior varsity or varsity level for
1324 two full seasons shall satisfy the one-credit requirement in
1325 physical education if the student passes a competency test on
1326 personal fitness with a score of "C" or better. The competency
1327 test on personal fitness developed by the Department of
1328 Education must be used. A district school board may not require
1329 that the one credit in physical education be taken during the
1330 9th grade year. Completion of one semester with a grade of "C"
1331 or better in a marching band class, in a physical activity class
1332 that requires participation in marching band activities as an
1333 extracurricular activity, or in a dance class shall satisfy one-
1334 half credit in physical education or one-half credit in

Page 46 of 121

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3-00935A-14 20141226__
 1335 performing arts. This credit may not be used to satisfy the
 1336 personal fitness requirement or the requirement for adaptive
 1337 physical education under an individual education plan (IEP) or
 1338 504 plan. Completion of 2 years in a Reserve Officer Training
 1339 Corps (R.O.T.C.) class, a significant component of which is
 1340 drills, shall satisfy the one-credit requirement in physical
 1341 education and the one-credit requirement in performing arts.
 1342 This credit may not be used to satisfy the personal fitness
 1343 requirement or the requirement for adaptive physical education
 1344 under an IEP or 504 plan. This requirement is subject to all of
 1345 the provisions in s. 1003.428(2)(a)6.

(4) ~~ONLINE COURSE REQUIREMENT. Excluding a driver education~~
 1347 ~~course,~~ At least one course within the 24 credits required under
 1348 this section must be completed through online learning.
 1349 Beginning with students entering grade 9 in the 2013-2014 school
 1350 year, the required online course may not be a driver education
 1351 course. A school district may not require a student to take the
 1352 online course outside the school day or in addition to a
 1353 student's courses for a given semester. An online course taken
 1354 in grade 6, grade 7, or grade 8 fulfills this requirement. This
 1355 requirement is met through an online course offered by the
 1356 Florida Virtual School, a virtual education provider approved by
 1357 the State Board of Education, a high school, or an online dual
 1358 enrollment course. A student who is enrolled in a full-time or
 1359 part-time virtual instruction program under s. 1002.45 meets
 1360 this requirement. This requirement does not apply to a student
 1361 who has an individual education plan under s. 1003.57 which
 1362 indicates that an online course would be inappropriate or to an
 1363 out-of-state transfer student who is enrolled in a Florida high

3-00935A-14 20141226__
 1364 school and has 1 academic year or less remaining in high school.
 1365 (5) REMEDIATION FOR HIGH SCHOOL STUDENTS.—
 1366 (a) Each year a student scores Level 1 or Level 2 on the
 1367 statewide, standardized 9th grade 9 or 10th grade 10 FCAT
 1368 Reading assessment or, when implemented, the 9th grade 9, 10th
 1369 grade 10, or 11th grade 11 ELA assessment common core English
 1370 Language Arts (ELA) assessments, the student must be enrolled in
 1371 and complete an intensive remedial course the following year or
 1372 be placed in a content area course that includes remediation of
 1373 skills not acquired by the student.
 1374 (b) Each year a student scores Level 1 or Level 2 on the
 1375 statewide, standardized Algebra I EOC assessment, or upon
 1376 transition to the common core Algebra I assessment, the student
 1377 must be enrolled in and complete an intensive remedial course
 1378 the following year or be placed in a content area course that
 1379 includes remediation of skills not acquired by the student.
 1380 (7) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—
 1381 (a) A student who earns a cumulative grade point average
 1382 (GPA) of 2.0 on a 4.0 scale and meets the requirements of this
 1383 section or s. 1002.3105(5) shall be awarded a standard high
 1384 school diploma in a form prescribed by the State Board of
 1385 Education.
 1386 (b) An adult student in an adult general education program
 1387 as provided under s. 1004.93 shall be awarded a standard high
 1388 school diploma if the student meets the requirements of this
 1389 section or s. 1002.3105(5), except that:
 1390 1. One elective credit may be substituted for the one-
 1391 credit requirement in fine or performing arts, speech and
 1392 debate, or practical arts.

3-00935A-14 20141226__

1393 2. The requirement that two of the science credits include
 1394 a laboratory component may be waived by the district school
 1395 board.

1396 3. The one credit in physical education may be substituted
 1397 with an elective credit. Notwithstanding any other law to the
 1398 contrary, all students enrolled in high school as of the 2012-
 1399 2013 school year who earned a passing grade in Biology I or
 1400 geometry before the 2013-2014 school year shall be awarded a
 1401 credit in that course if the student passed the course. The
 1402 student's performance on the EOC assessment is not required to
 1403 constitute 30 percent of the student's final course grade.

1404 (c) A student who earns fails to earn the required 24
 1405 credits, or the required 18 credits under s. 1002.3105(5), but
 1406 fails to pass the assessments required under s. 1008.22(3) or
 1407 achieve a 2.0 GPA shall be awarded a certificate of completion
 1408 in a form prescribed by the State Board of Education. However, a
 1409 student who is otherwise entitled to a certificate of completion
 1410 may elect to remain in high school either as a full-time student
 1411 or a part-time student for up to 1 additional year and receive
 1412 special instruction designed to remedy his or her identified
 1413 deficiencies.

1414 (8) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with
 1415 the 2012-2013 school year, if a student transfers to a Florida
 1416 public high school from out of country, out of state, a private
 1417 school, or a home education program and the student's transcript
 1418 shows a ~~mathematics~~ credit in Algebra I ~~a course that requires~~
 1419 ~~passage of a statewide, standardized assessment in order to earn~~
 1420 ~~a standard high school diploma,~~ the student must pass the
 1421 statewide, standardized Algebra I EOC assessment in order to

3-00935A-14 20141226__

1422 earn a standard high school diploma unless the student earned a
 1423 comparative score ~~pursuant to s. 1008.22~~, passed a statewide
 1424 assessment in Algebra I ~~that subject~~ administered by the
 1425 transferring entity, or passed the statewide mathematics
 1426 assessment the transferring entity uses to satisfy the
 1427 requirements of the Elementary and Secondary Education Act, 20
 1428 U.S.C. s. 6301. If a student's transcript shows a credit in high
 1429 school reading or English Language Arts II or III, in order to
 1430 earn a standard high school diploma, the student must take and
 1431 pass the statewide, standardized grade 10 FCAT Reading
 1432 assessment or, when implemented, the grade 10 ELA assessment, or
 1433 earn a concordant score on the SAT or ACT as specified by state
 1434 board rule or, when the state transitions to common core English
 1435 Language Arts assessments, earn a passing score on the English
 1436 Language Arts assessment as required under this section. If a
 1437 transfer student's transcript shows a final course grade and
 1438 course credit in Algebra I, Geometry, Biology I, or United
 1439 States History, the transferring course final grade and credit
 1440 shall be honored without the student taking the requisite
 1441 statewide, standardized EOC assessment and without the
 1442 assessment results constituting 30 percent of the student's
 1443 final course grade.

1444 (9) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL
 1445 CREDIT REQUIREMENTS.—

1446 (a) Participation in career education courses engages
 1447 students in their high school education, increases academic
 1448 achievement, enhances employability, and increases postsecondary
 1449 success. By July 1, 2014, the department shall develop, for
 1450 approval by the State Board of Education, multiple, additional

3-00935A-14 20141226__

1451 career education courses or a series of courses that meet the
1452 requirements set forth in s. 1003.493(2), (4), and (5) and this
1453 subsection and allow students to earn credit in both the career
1454 education course and courses required for high school graduation
1455 under this section and ~~s. ss. 1003.428~~ and 1003.4281.

1456 1. The state board must determine if sufficient academic
1457 standards are covered to warrant the award of academic credit.

1458 2. Career education courses must include workforce and
1459 digital literacy skills and the integration of required course
1460 content with practical applications and designated rigorous
1461 coursework that results in one or more industry certifications
1462 or clearly articulated credit or advanced standing in a 2-year
1463 or 4-year certificate or degree program, which may include high
1464 school junior and senior year work-related internships or
1465 apprenticeships. The department shall negotiate state licenses
1466 for material and testing for industry certifications. The
1467 instructional methodology used in these courses must be
1468 comprised of authentic projects, problems, and activities for
1469 contextually learning the academics.

1470 (c) Regional consortium service organizations established
1471 pursuant to s. 1001.451 shall work with school districts, local
1472 workforce boards, postsecondary institutions, and local business
1473 and industry leaders to create career education courses that
1474 meet the requirements set forth in s. 1003.493(2), (4), and (5)
1475 and this subsection that students can take to earn required high
1476 school course credits. The regional consortium shall submit
1477 course recommendations to the department, on behalf of the
1478 consortium member districts, for state board approval. A strong
1479 emphasis should be placed on online coursework, digital

3-00935A-14 20141226__

1480 literacy, and workforce literacy as defined in s. 1004.02(26)
1481 ~~1004.02(27)~~. For purposes of providing students the opportunity
1482 to earn industry certifications, consortiums must secure the
1483 necessary site licenses and testing contracts for use by member
1484 districts.

1485 (10) COHORT TRANSITION TO NEW GRADUATION REQUIREMENTS.—The
1486 requirements of this section, in addition to applying to
1487 students entering grade 9 in the 2013-2014 school year and
1488 thereafter, shall also apply to students entering grade 9 before
1489 the 2013-2014 school year, except as otherwise provided in this
1490 subsection.

1491 (a) A student entering grade 9 before the 2010-2011 school
1492 year must earn:

1493 1. Four credits in English/ELA. A student must pass the
1494 statewide, standardized grade 10 Reading assessment, or earn a
1495 concordant score, in order to graduate with a standard high
1496 school diploma.

1497 2. Four credits in mathematics, which must include Algebra
1498 I. A student must pass grade 10 FCAT Mathematics, or earn a
1499 concordant score, in order to graduate with a standard high
1500 school diploma. A student who takes Algebra I or Geometry after
1501 the 2010-2011 school year must take the statewide, standardized
1502 EOC assessment for the course but is not required to pass the
1503 assessment in order to earn course credit. A student's
1504 performance on the Algebra I or Geometry EOC assessment is not
1505 required to constitute 30 percent of the student's final course
1506 grade. A student who earns an industry certification for which
1507 there is a statewide college credit articulation agreement
1508 approved by the State Board of Education may substitute the

3-00935A-14 20141226__

1509 certification for one mathematics credit. Substitution may occur
 1510 for up to two mathematics credits, except for Algebra I.

1511 3. Three credits in science, two of which must have a
 1512 laboratory component. A student who takes Biology I after the
 1513 2010-2011 school year must take the statewide, standardized
 1514 Biology I EOC assessment but is not required to pass the
 1515 assessment in order to earn course credit. A student's
 1516 performance on the assessment is not required to constitute 30
 1517 percent of the student's final course grade. A student who earns
 1518 an industry certification for which there is a statewide college
 1519 credit articulation agreement approved by the State Board of
 1520 Education may substitute the certification for one science
 1521 credit.

1522 4. Three credits in social studies of which one credit in
 1523 World History, one credit in United States History, one-half
 1524 credit in United States Government, and one-half credit in
 1525 economics is required. A student who takes United States History
 1526 after the 2011-2012 school year must take the statewide,
 1527 standardized United States History EOC assessment but the
 1528 student's performance on the assessment is not required to
 1529 constitute 30 percent of the student's final course grade.

1530 5. One credit in fine or performing arts, speech and
 1531 debate, or practical arts as provided in paragraph (3) (e).

1532 6. One credit in physical education as provided in
 1533 paragraph (3) (f).

1534 7. Eight credits in electives.

1535 (b) A student entering grade 9 in the 2010-2011 school year
 1536 must earn:

1537 1. Four credits in English/ELA. A student must pass the

3-00935A-14 20141226__

1538 statewide, standardized grade 10 Reading assessment, or earn a
 1539 concordant score, in order to graduate with a standard high
 1540 school diploma.

1541 2. Four credits in mathematics, which must include Algebra
 1542 I and Geometry. The statewide, standardized Algebra I EOC
 1543 assessment constitutes 30 percent of the student's final course
 1544 grade. A student who takes Algebra I or Geometry after the 2010-
 1545 2011 school year must take the statewide, standardized EOC
 1546 assessment for the course but is not required to pass the
 1547 assessment in order to earn course credit. A student's
 1548 performance on the Geometry EOC assessment is not required to
 1549 constitute 30 percent of the student's final course grade. A
 1550 student who earns an industry certification for which there is a
 1551 statewide college credit articulation agreement approved by the
 1552 State Board of Education may substitute the certification for
 1553 one mathematics credit. Substitution may occur for up to two
 1554 mathematics credits, except for Algebra I and Geometry.

1555 3. Three credits in science, two of which must have a
 1556 laboratory component. A student who takes Biology I after the
 1557 2010-2011 school year must take the statewide, standardized
 1558 Biology I EOC assessment but is not required to pass the
 1559 assessment in order to earn course credit. A student's
 1560 performance on the assessment is not required to constitute 30
 1561 percent of the student's final course grade. A student who earns
 1562 an industry certification for which there is a statewide college
 1563 credit articulation agreement approved by the State Board of
 1564 Education may substitute the certification for one science
 1565 credit, except for Biology I.

1566 4. Three credits in social studies of which one credit in

3-00935A-14 20141226__

1567 World History, one credit in United States History, one-half
 1568 credit in United States Government, and one-half credit in
 1569 economics is required. A student who takes United States History
 1570 after the 2011-2012 school year must take the statewide,
 1571 standardized United States History EOC assessment but the
 1572 student's performance on the assessment is not required to
 1573 constitute 30 percent of the student's final course grade.

1574 5. One credit in fine or performing arts, speech and
 1575 debate, or practical arts as provided in paragraph (3) (e).

1576 6. One credit in physical education as provided in
 1577 paragraph (3) (f).

1578 7. Eight credits in electives.

1579 (c) A student entering grade 9 in the 2011-2012 school year
 1580 must earn:

1581 1. Four credits in English/ELA. A student must pass the
 1582 statewide, standardized grade 10 Reading assessment, or earn a
 1583 concordant score, in order to graduate with a standard high
 1584 school diploma.

1585 2. Four credits in mathematics, which must include Algebra
 1586 I and Geometry. A student who takes Algebra I after the 2010-
 1587 2011 school year must pass the statewide, standardized Algebra I
 1588 EOC assessment, or earn a comparative score, in order to earn a
 1589 standard high school diploma. A student who takes Algebra I or
 1590 Geometry after the 2010-2011 school year must take the
 1591 statewide, standardized EOC assessment but is not required to
 1592 pass the Algebra I or Geometry EOC assessment in order to earn
 1593 course credit. A student's performance on the Algebra I or
 1594 Geometry EOC assessment is not required to constitute 30 percent
 1595 of the student's final course grade. A student who earns an

3-00935A-14 20141226__

1596 industry certification for which there is a statewide college
 1597 credit articulation agreement approved by the State Board of
 1598 Education may substitute the certification for one mathematics
 1599 credit. Substitution may occur for up to two mathematics
 1600 credits, except for Algebra I and Geometry.

1601 3. Three credits in science, two of which must have a
 1602 laboratory component. One of the science credits must be Biology
 1603 I. A student who takes Biology I after the 2010-2011 school year
 1604 must take the statewide, standardized Biology I EOC assessment
 1605 but is not required to pass the assessment in order to earn
 1606 course credit. A student's performance on the assessment is not
 1607 required to constitute 30 percent of the student's final course
 1608 grade. A student who earns an industry certification for which
 1609 there is a statewide college credit articulation agreement
 1610 approved by the State Board of Education may substitute the
 1611 certification for one science credit, except for Biology I.

1612 4. Three credits in social studies of which one credit in
 1613 World History, one credit in United States History, one-half
 1614 credit in United States Government, and one-half credit in
 1615 economics is required. A student who takes United States History
 1616 after the 2011-2012 school year student must take the statewide,
 1617 standardized United States History EOC assessment but the
 1618 student's performance on the assessment is not required to
 1619 constitute 30 percent of the student's final course grade.

1620 5. One credit in fine or performing arts, speech and
 1621 debate, or practical arts as provided in paragraph (3) (e).

1622 6. One credit in physical education as provided in
 1623 paragraph (3) (f).

1624 7. Eight credits in electives.

3-00935A-14 20141226__

1625 8. One online course as provided in subsection (4).
 1626 (d) A student entering grade 9 in the 2012-2013 school year
 1627 must earn:

1628 1. Four credits in English/ELA. A student must pass the
 1629 statewide, standardized grade 10 Reading assessment, or earn a
 1630 concordant score, in order to graduate with a standard high
 1631 school diploma.

1632 2. Four credits in mathematics, which must include Algebra
 1633 I and Geometry. A student who takes Algebra I after the 2010-
 1634 2011 school year must pass the statewide, standardized Algebra I
 1635 EOC assessment, or earn a comparative score, in order to earn a
 1636 standard high school diploma. A student who takes Geometry after
 1637 the 2010-2011 school year must take the statewide, standardized
 1638 Geometry EOC assessment. A student is not required to pass the
 1639 statewide, standardized EOC assessment in Algebra I or Geometry
 1640 in order to earn course credit. A student's performance on the
 1641 Algebra I or Geometry EOC assessment is not required to
 1642 constitute 30 percent of the student's final course grade. A
 1643 student who earns an industry certification for which there is a
 1644 statewide college credit articulation agreement approved by the
 1645 State Board of Education may substitute the certification for
 1646 one mathematics credit. Substitution may occur for up to two
 1647 mathematics credits, except for Algebra I and Geometry.

1648 3. Three credits in science, two of which must have a
 1649 laboratory component. One of the science credits must be Biology
 1650 I. A student who takes Biology I after the 2010-2011 school year
 1651 must take the statewide, standardized Biology I EOC assessment
 1652 but is not required to pass the assessment to earn course
 1653 credit. A student's performance on the assessment is not

Page 57 of 121

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3-00935A-14 20141226__

1654 required to constitute 30 percent of the student's final course
 1655 grade. A student who earns an industry certification for which
 1656 there is a statewide college credit articulation agreement
 1657 approved by the State Board of Education may substitute the
 1658 certification for one science credit, except for Biology I.

1659 4. Three credits in social studies of which one credit in
 1660 World History, one credit in United States History, one-half
 1661 credit in United States Government, and one-half credit in
 1662 economics is required. The statewide, standardized United States
 1663 History EOC assessment constitutes 30 percent of the student's
 1664 final course grade.

1665 5. One credit in fine or performing arts, speech and
 1666 debate, or practical arts as provided in paragraph (3)(e).

1667 6. One credit in physical education as provided in
 1668 paragraph (3)(f).

1669 7. Eight credits in electives.

1670 8. One online course as provided in subsection (4).

1671 (e) Policy adopted in rule by the district school board may
 1672 require for any cohort of students that performance on a
 1673 statewide, standardized EOC assessment constitute 30 percent of
 1674 a student's final course grade.

1675 (f) This subsection is repealed July 1, 2020.

1676 Section 43. Subsection (1) of section 1003.4285, Florida
 1677 Statutes, is amended to read:

1678 1003.4285 Standard high school diploma designations.—

1679 (1) Each standard high school diploma shall include, as
 1680 applicable, the following designations if the student meets the
 1681 criteria set forth for the designation:

1682 (a) *Scholar designation.*—In addition to the requirements of

Page 58 of 121

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3-00935A-14 20141226__

1683 ~~s. ss. 1003.428 and 1003.4282, as applicable,~~ in order to earn
 1684 the Scholar designation, a student must satisfy the following
 1685 requirements:

1686 1. English Language Arts (ELA).—When ~~implemented the state~~
 1687 ~~transitions to common core assessments,~~ pass the statewide,
 1688 standardized 11th grade 11 ELA common core assessment.

1689 2. Mathematics.—Earn one credit in Algebra II and one
 1690 credit in statistics or an equally rigorous course. When
 1691 ~~implemented the state transitions to common core assessments,~~
 1692 students must pass the statewide, standardized Algebra II common
 1693 ~~core~~ assessment. Beginning with students entering grade 9 in the
 1694 2014-2015 school year, a student must also pass the statewide,
 1695 standardized Geometry end-of-course (EOC) assessment.

1696 3. Science.—Pass the statewide, standardized Biology I EOC
 1697 ~~end-of-course~~ assessment and earn one credit in chemistry or
 1698 physics and one credit in a course equally rigorous to chemistry
 1699 or physics. However, a student enrolled in an Advanced Placement
 1700 (AP), International Baccalaureate (IB), or Advanced
 1701 International Certificate of Education (AICE) Biology course who
 1702 takes the respective AP, IB, or AICE Biology assessment and
 1703 earns the minimum score necessary to earn college credit as
 1704 identified pursuant to s. 1007.27(2) meets the requirement of
 1705 this subparagraph without having to take the statewide,
 1706 standardized Biology I EOC assessment.

1707 4. Social studies.—Pass the statewide, standardized United
 1708 States History EOC end-of-course assessment. However, a student
 1709 enrolled in an AP, IB, or AICE course that includes United
 1710 States History topics who takes the respective AP, IB, or AICE
 1711 assessment and earns the minimum score necessary to earn college

3-00935A-14 20141226__

1712 credit as identified pursuant to s. 1007.27(2) meets the
 1713 requirement of this subparagraph without having to take the
 1714 statewide, standardized United States History EOC assessment.

1715 5. Foreign language.—Earn two credits in the same foreign
 1716 language.

1717 6. Electives.—Earn at least one credit in an Advanced
 1718 Placement, an International Baccalaureate, an Advanced
 1719 International Certificate of Education, or a dual enrollment
 1720 course.

1721 (b) *Merit designation.*—In addition to the requirements of
 1722 ~~s. ss. 1003.428 and 1003.4282, as applicable,~~ in order to earn
 1723 the Merit designation, a student must attain one or more
 1724 industry certifications from the list established under s.
 1725 1003.492.

1726 Section 44. Section 1003.438, Florida Statutes, is amended
 1727 to read:

1728 1003.438 Special high school graduation requirements for
 1729 certain exceptional students.—A student who has been identified,
 1730 in accordance with rules established by the State Board of
 1731 Education, as a student with disabilities who has an
 1732 intellectual disability; an autism spectrum disorder; a language
 1733 impairment; an orthopedic impairment; an other health
 1734 impairment; a traumatic brain injury; an emotional or behavioral
 1735 disability; a specific learning disability, including, but not
 1736 limited to, dyslexia, dyscalculia, or developmental aphasia; or
 1737 students who are deaf or hard of hearing or dual sensory
 1738 impaired shall not be required to meet all requirements of s.
 1739 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s. 1003.4282 and shall,
 1740 upon meeting all applicable requirements prescribed by the

3-00935A-14

20141226__

1741 district school board pursuant to s. 1008.25, be awarded a
 1742 special diploma in a form prescribed by the commissioner;
 1743 however, such special graduation requirements prescribed by the
 1744 district school board must include minimum graduation
 1745 requirements as prescribed by the commissioner. Any such student
 1746 who meets all special requirements of the district school board,
 1747 but is unable to meet the appropriate special state minimum
 1748 requirements, shall be awarded a special certificate of
 1749 completion in a form prescribed by the commissioner. However,
 1750 this section does not limit or restrict the right of an
 1751 exceptional student solely to a special diploma or special
 1752 certificate of completion. Any such student shall, upon proper
 1753 request, be afforded the opportunity to fully meet all
 1754 requirements of s. 1002.3105(5), s. 1003.4281, ~~1003.428~~ or s.
 1755 1003.4282 through the standard procedures established therein
 1756 and thereby to qualify for a standard diploma upon graduation.

1757 Section 45. Subsection (5) of section 1003.451, Florida
 1758 Statutes, is repealed.

1759 Section 46. Subsection (1) of section 1003.49, Florida
 1760 Statutes, is amended to read:

1761 1003.49 Graduation and promotion requirements for publicly
 1762 operated schools.—

1763 (1) Each state or local public agency, including the
 1764 Department of Children and Family Services, the Department of
 1765 Corrections, the boards of trustees of universities and Florida
 1766 College System institutions, and the Board of Trustees of the
 1767 Florida School for the Deaf and the Blind, which agency is
 1768 authorized to operate educational programs for students at any
 1769 level of grades kindergarten through 12, shall be subject to all

Page 61 of 121

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3-00935A-14

20141226__

1770 applicable requirements of ss. 1002.3105(5), 1003.4281,
 1771 1003.4282 ~~1003.428~~, ~~1003.429~~, 1008.23, and 1008.25. Within the
 1772 content of these cited statutes each such state or local public
 1773 agency or entity shall be considered a "district school board."

1774 Section 47. Paragraph (e) of subsection (4) of section
 1775 1003.493, Florida Statutes, is amended to read:

1776 1003.493 Career and professional academies and career-
 1777 themed courses.—

1778 (4) Each career and professional academy and secondary
 1779 school providing a career-themed course must:

1780 (e) Deliver academic content through instruction relevant
 1781 to the career, including intensive reading and mathematics
 1782 intervention required by s. 1003.4282 ~~1003.428~~, with an emphasis
 1783 on strengthening reading for information skills.

1784 Section 48. Paragraph (c) of subsection (2) of section
 1785 1003.4935, Florida Statutes, is amended to read:

1786 1003.4935 Middle grades career and professional academy
 1787 courses and career-themed courses.—

1788 (2) Each middle grades career and professional academy or
 1789 career-themed course must be aligned with at least one high
 1790 school career and professional academy or career-themed course
 1791 offered in the district and maintain partnerships with local
 1792 business and industry and economic development boards. Middle
 1793 grades career and professional academies and career-themed
 1794 courses must:

1795 (a) Lead to careers in occupations designated as high-
 1796 skill, high-wage, and high-demand in the Industry Certification
 1797 Funding List approved under rules adopted by the State Board of
 1798 Education;

Page 62 of 121

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3-00935A-14

20141226__

- 1799 (b) Integrate content from core subject areas;
- 1800 (c) Integrate career and professional academy or career-
- 1801 themed course content with intensive reading, English Language
- 1802 Arts, and mathematics pursuant to ~~s. ss. 1003.428~~ and 1003.4282;
- 1803 (d) Coordinate with high schools to maximize opportunities
- 1804 for middle grades students to earn high school credit;
- 1805 (e) Provide access to virtual instruction courses provided
- 1806 by virtual education providers legislatively authorized to
- 1807 provide part-time instruction to middle grades students. The
- 1808 virtual instruction courses must be aligned to state curriculum
- 1809 standards for middle grades career and professional academy
- 1810 courses or career-themed courses, with priority given to
- 1811 students who have required course deficits;
- 1812 (f) Provide instruction from highly skilled professionals
- 1813 who hold industry certificates in the career area in which they
- 1814 teach;
- 1815 (g) Offer externships; and
- 1816 (h) Provide personalized student advisement that includes a
- 1817 parent-participation component.
- 1818 Section 49. Paragraph (a) of subsection (1) of section
- 1819 1003.57, Florida Statutes, is amended to read:
- 1820 1003.57 Exceptional students instruction.—
- 1821 (1) (a) For purposes of providing exceptional student
- 1822 instruction under this section:
- 1823 1. A school district shall use the following terms to
- 1824 describe the instructional setting for a student with a
- 1825 disability, 6 through 21 years of age, who is not educated in a
- 1826 setting accessible to all children who are together at all
- 1827 times:

3-00935A-14

20141226__

- 1828 a. "Exceptional student education center" or "special day
- 1829 school" means a separate public school to which nondisabled
- 1830 peers do not have access.
- 1831 b. "Other separate environment" means a separate private
- 1832 school, residential facility, or hospital or homebound program.
- 1833 c. "Regular class" means a class in which a student spends
- 1834 80 percent or more of the school week with nondisabled peers.
- 1835 d. "Resource room" means a classroom in which a student
- 1836 spends between 40 percent to 80 percent of the school week with
- 1837 nondisabled peers.
- 1838 e. "Separate class" means a class in which a student spends
- 1839 less than 40 percent of the school week with nondisabled peers.
- 1840 2. A school district shall use the term "inclusion" to mean
- 1841 that a student is receiving education in a general education
- 1842 regular class setting, reflecting natural proportions and age-
- 1843 appropriate heterogeneous groups in core academic and elective
- 1844 or special areas within the school community; a student with a
- 1845 disability is a valued member of the classroom and school
- 1846 community; the teachers and administrators support universal
- 1847 education and have knowledge and support available to enable
- 1848 them to effectively teach all children; and a ~~teacher student~~ is
- 1849 provided access to technical assistance in best practices,
- 1850 instructional methods, and supports tailored to the student's
- 1851 needs based on current research.
- 1852 Section 50. Paragraph (a) of subsection (1) of section
- 1853 1003.621, Florida Statutes, is amended to read:
- 1854 1003.621 Academically high-performing school districts.—It
- 1855 is the intent of the Legislature to recognize and reward school
- 1856 districts that demonstrate the ability to consistently maintain

3-00935A-14 20141226__

1857 or improve their high-performing status. The purpose of this
1858 section is to provide high-performing school districts with
1859 flexibility in meeting the specific requirements in statute and
1860 rules of the State Board of Education.

1861 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICT.—

1862 (a) A school district is an academically high-performing
1863 school district if it meets the following criteria:

1864 1.a. ~~Beginning with the 2004-2005 school year,~~ Earns a
1865 grade of "A" under s. 1008.34(7) for 2 consecutive years; and
1866 b. Has no district-operated school that earns a grade of
1867 "F" under s. 1008.34;

1868 2. Complies with all class size requirements in s. 1, Art.
1869 IX of the State Constitution and s. 1003.03; and

1870 3. Has no material weaknesses or instances of material
1871 noncompliance noted in the annual financial audit conducted
1872 pursuant to s. 11.45 or s. 218.39.

1873
1874 However, a district in which a district-operated school earns a
1875 grade of "F" under s. 1008.34 during the 3-year period may not
1876 continue to be designated as an academically high-performing
1877 school district during the remainder of that 3-year period. The
1878 district must meet the criteria in paragraph (a) in order to be
1879 redesignated as an academically high-performing school district.

1880 Section 51. Subsection (4) of section 1004.02, Florida
1881 Statutes, is repealed.

1882 Section 52. Section 1004.0961, Florida Statutes, is amended
1883 to read:

1884 1004.0961 Credit for online courses.—Beginning in the 2015-
1885 2016 school year, the State Board of Education shall adopt rules

3-00935A-14 20141226__

1886 and the Board of Governors shall adopt regulations ~~rules~~ that
1887 enable students to earn academic credit for online courses,
1888 including massive open online courses, ~~before~~ ~~prior~~ to initial
1889 enrollment at a postsecondary institution. The rules of the
1890 State Board of Education and regulations ~~rules~~ of the Board of
1891 Governors must include procedures for credential evaluation and
1892 the award of credit, including, but not limited to,
1893 recommendations for credit by the American Council on Education;
1894 equivalency and alignment of coursework with appropriate
1895 courses; course descriptions; type and amount of credit that may
1896 be awarded; and transfer of credit.

1897 Section 53. Section 1004.3825, Florida Statutes, is
1898 repealed.

1899 Section 54. Section 1004.387, Florida Statutes, is
1900 repealed.

1901 Section 55. Subsection (2) of section 1004.445, Florida
1902 Statutes, is repealed.

1903 Section 56. Section 1004.75, Florida Statutes, is repealed.

1904 Section 57. Paragraph (c) of subsection (1) of section
1905 1004.935, Florida Statutes, is amended to read:

1906 1004.935 Adults with Disabilities Workforce Education Pilot
1907 Program.—

1908 (1) The Adults with Disabilities Workforce Education Pilot
1909 Program is established in the Department of Education for 2
1910 years in Hardee, DeSoto, Manatee, and Sarasota Counties to
1911 provide the option of receiving a scholarship for instruction at
1912 private schools for up to 30 students who:

1913 (c) Are receiving instruction from an instructor in a
1914 private school to meet the high school graduation requirements

3-00935A-14

20141226__

1915 in s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282;

1916

1917 As used in this section, the term "student with a disability"
 1918 includes a student who is documented as having an intellectual
 1919 disability; a speech impairment; a language impairment; a
 1920 hearing impairment, including deafness; a visual impairment,
 1921 including blindness; a dual sensory impairment; an orthopedic
 1922 impairment; another health impairment; an emotional or
 1923 behavioral disability; a specific learning disability,
 1924 including, but not limited to, dyslexia, dyscalculia, or
 1925 developmental aphasia; a traumatic brain injury; a developmental
 1926 delay; or autism spectrum disorder.

1927 Section 58. Section 1006.141, Florida Statutes, is
 1928 repealed.

1929 Section 59. Subsections (4), (5), and (8) of section
 1930 1006.147, Florida Statutes, are amended to read:

1931 1006.147 Bullying and harassment prohibited.—

1932 (4) ~~By December 1, 2008,~~ Each school district shall adopt a
 1933 policy prohibiting bullying and harassment of a ~~any~~ student or
 1934 employee of a public K-12 educational institution. Each school
 1935 district's policy shall be in substantial conformity with the
 1936 Department of Education's model policy ~~mandated in subsection~~
 1937 ~~(5)~~. The school district bullying and harassment policy shall
 1938 afford all students the same protection regardless of their
 1939 status under the law. The school district may establish separate
 1940 discrimination policies that include categories of students. The
 1941 school district shall involve students, parents, teachers,
 1942 administrators, school staff, school volunteers, community
 1943 representatives, and local law enforcement agencies in the

Page 67 of 121

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3-00935A-14

20141226__

1944 process of adopting the policy. The school district policy must
 1945 be implemented in a manner that is ongoing throughout the school
 1946 year and integrated with a school's curriculum, a school's
 1947 discipline policies, and other violence prevention efforts. The
 1948 school district policy must contain, at a minimum, the following
 1949 components:

1950 (a) A statement prohibiting bullying and harassment.

1951 (b) A definition of bullying and a definition of harassment
 1952 that include the definitions listed in this section.

1953 (c) A description of the type of behavior expected from
 1954 each student and employee of a public K-12 educational
 1955 institution.

1956 (d) The consequences for a student or employee of a public
 1957 K-12 educational institution who commits an act of bullying or
 1958 harassment.

1959 (e) The consequences for a student or employee of a public
 1960 K-12 educational institution who is found to have wrongfully and
 1961 intentionally accused another of an act of bullying or
 1962 harassment.

1963 (f) A procedure for reporting an act of bullying or
 1964 harassment, including provisions that permit a person to
 1965 anonymously report such an act. However, this paragraph does not
 1966 permit formal disciplinary action to be based solely on an
 1967 anonymous report.

1968 (g) A procedure for the prompt investigation of a report of
 1969 bullying or harassment and the persons responsible for the
 1970 investigation. The investigation of a reported act of bullying
 1971 or harassment is deemed to be a school-related activity and
 1972 begins with a report of such an act. Incidents that require a

Page 68 of 121

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3-00935A-14 20141226__

1973 reasonable investigation when reported to appropriate school
1974 authorities shall include alleged incidents of bullying or
1975 harassment allegedly committed against a child while the child
1976 is en route to school aboard a school bus or at a school bus
1977 stop.

1978 (h) A process to investigate whether a reported act of
1979 bullying or harassment is within the scope of the district
1980 school system and, if not, a process for referral of such an act
1981 to the appropriate jurisdiction. Computers without web-filtering
1982 software or computers with web-filtering software that is
1983 disabled shall be used when complaints of cyberbullying are
1984 investigated.

1985 (i) A procedure for providing immediate notification to the
1986 parents of a victim of bullying or harassment and the parents of
1987 the perpetrator of an act of bullying or harassment, as well as
1988 notification to all local agencies where criminal charges may be
1989 pursued against the perpetrator.

1990 (j) A procedure to refer victims and perpetrators of
1991 bullying or harassment for counseling.

1992 (k) A procedure for including incidents of bullying or
1993 harassment in the school's report of data concerning school
1994 safety and discipline required under s. 1006.09(6). The report
1995 must include each incident of bullying or harassment and the
1996 resulting consequences, including discipline and referrals. The
1997 report must include in a separate section each reported incident
1998 of bullying or harassment that does not meet the criteria of a
1999 prohibited act under this section with recommendations regarding
2000 such incidents. The Department of Education shall aggregate
2001 information contained in the reports.

3-00935A-14 20141226__

2002 (l) A procedure for providing instruction to students,
2003 parents, teachers, school administrators, counseling staff, and
2004 school volunteers on identifying, preventing, and responding to
2005 bullying or harassment, including instruction on recognizing
2006 behaviors that lead to bullying and harassment and taking
2007 appropriate preventive action based on those observations.

2008 (m) A procedure for regularly reporting to a victim's
2009 parents the actions taken to protect the victim.

2010 (n) A procedure for publicizing the policy, which must
2011 include its publication in the code of student conduct required
2012 under s. 1006.07(2) and in all employee handbooks.

2013 ~~(5) To assist school districts in developing policies~~
2014 ~~prohibiting bullying and harassment, the Department of Education~~
2015 ~~shall develop a model policy that shall be provided to school~~
2016 ~~districts no later than October 1, 2008.~~

2017 (7) ~~(8) Distribution of safe schools funds to a school~~
2018 ~~district provided in the 2009-2010 General Appropriations Act is~~
2019 ~~contingent upon and payable to the school district upon the~~
2020 ~~Department of Education's approval of the school district's~~
2021 ~~bullying and harassment policy. The department's approval of~~
2022 ~~each school district's bullying and harassment policy shall be~~
2023 ~~granted upon certification by the department that the school~~
2024 ~~district's policy has been submitted to the department and is in~~
2025 ~~substantial conformity with the department's model bullying and~~
2026 ~~harassment policy as mandated in subsection (5).~~ Distribution of
2027 safe schools funds provided to a school district ~~in fiscal year~~
2028 ~~2010-2011 and thereafter~~ shall be contingent upon and payable to
2029 the school district upon the school district's compliance with
2030 all reporting procedures contained in this section.

3-00935A-14 20141226__

2031 Section 60. Subsection (2) of section 1006.148, Florida
 2032 Statutes, is repealed.

2033 Section 61. Paragraph (a) of subsection (3) of section
 2034 1006.15, Florida Statutes, is amended to read:

2035 1006.15 Student standards for participation in
 2036 interscholastic and intrascholastic extracurricular student
 2037 activities; regulation.—

2038 (3) (a) To be eligible to participate in interscholastic
 2039 extracurricular student activities, a student must:

2040 1. Maintain a grade point average of 2.0 or above on a 4.0
 2041 scale, or its equivalent, in the previous semester or a
 2042 cumulative grade point average of 2.0 or above on a 4.0 scale,
 2043 or its equivalent, in the courses required by s. 1002.3105(5)
 2044 ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.

2045 2. Execute and fulfill the requirements of an academic
 2046 performance contract between the student, the district school
 2047 board, the appropriate governing association, and the student's
 2048 parents, if the student's cumulative grade point average falls
 2049 below 2.0, or its equivalent, on a 4.0 scale in the courses
 2050 required by s. 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~.
 2051 At a minimum, the contract must require that the student attend
 2052 summer school, or its graded equivalent, between grades 9 and 10
 2053 or grades 10 and 11, as necessary.

2054 3. Have a cumulative grade point average of 2.0 or above on
 2055 a 4.0 scale, or its equivalent, in the courses required by s.
 2056 1002.3105(5) ~~1003.428~~ or s. 1003.4282 ~~1003.429~~ during his or her
 2057 junior or senior year.

2058 4. Maintain satisfactory conduct, including adherence to
 2059 appropriate dress and other codes of student conduct policies

3-00935A-14 20141226__

2060 described in s. 1006.07(2). If a student is convicted of, or is
 2061 found to have committed, a felony or a delinquent act that would
 2062 have been a felony if committed by an adult, regardless of
 2063 whether adjudication is withheld, the student's participation in
 2064 interscholastic extracurricular activities is contingent upon
 2065 established and published district school board policy.

2066 Section 62. Subsection (1) and paragraph (a) of subsection
 2067 (2) of section 1006.28, Florida Statutes, are amended to read:

2068 1006.28 Duties of district school board, district school
 2069 superintendent; and school principal regarding K-12
 2070 instructional materials.—

2071 (1) DISTRICT SCHOOL BOARD.—The district school board has
 2072 the duty to provide adequate instructional materials for all
 2073 students in accordance with the requirements of this part. The
 2074 term "adequate instructional materials" means a sufficient
 2075 number of student or site licenses or sets of materials that are
 2076 available in bound, unbound, kit, or package form and may
 2077 consist of hardbacked or softbacked textbooks, electronic
 2078 content, consumables, learning laboratories, manipulatives,
 2079 electronic media, and computer courseware or software that serve
 2080 as the basis for instruction for each student in the core
 2081 subject areas ~~courses~~ of mathematics, language arts, social
 2082 studies, science, reading, and literature. The district school
 2083 board has the following specific duties:

2084 (a) *Courses of study; adoption.*—Adopt courses of study for
 2085 use in the schools of the district.

2086 (b) *Instructional materials.*—Provide for proper
 2087 requisitioning, distribution, accounting, storage, care, and use
 2088 of all instructional materials and furnish such other

3-00935A-14 20141226__
 2089 instructional materials as may be needed. ~~The district school~~
 2090 ~~board shall ensure that~~ Instructional materials used must be in
 2091 ~~the district are~~ consistent with the district goals and
 2092 objectives and the course descriptions established in rule of
 2093 the State Board of Education, as well as with the applicable
 2094 Next Generation Sunshine State and district performance
 2095 Standards provided for in s. 1003.41 ~~1001.03(1)~~.

(c) *Other instructional materials.*—Provide such other
 2096 teaching accessories and aids as are needed for the school
 2097 district's educational program.

(d) *School library media services; establishment and*
 2099 *maintenance.*—Establish and maintain a program of school library
 2100 media services for all public schools in the district, including
 2101 school library media centers, or school library media centers
 2102 open to the public, and, in addition such traveling or
 2103 circulating libraries as may be needed for the proper operation
 2104 of the district school system.

(2) DISTRICT SCHOOL SUPERINTENDENT.—

(a) The district school superintendent has the duty to
 2107 recommend such plans for improving, providing, distributing,
 2108 accounting for, and caring for instructional materials and other
 2109 instructional aids as will result in general improvement of the
 2110 district school system, as prescribed in this part, in
 2111 accordance with adopted district school board rules prescribing
 2112 the duties and responsibilities of the district school
 2113 superintendent regarding the requisition, purchase, receipt,
 2114 storage, distribution, use, conservation, records, and reports
 2115 of, and management practices and property accountability
 2116 concerning, instructional materials, and providing for an
 2117

3-00935A-14 20141226__
 2118 evaluation of any instructional materials to be requisitioned
 2119 that have not been used previously in the district's schools.
 2120 The district school superintendent must keep adequate records
 2121 and accounts for all financial transactions for funds collected
 2122 pursuant to subsection (3), ~~as a component of the educational~~
 2123 ~~service delivery scope in a school district best financial~~
 2124 ~~management practices review under s. 1008.35.~~

Section 63. Subsection (2) of section 1006.31, Florida
 2125 Statutes, is amended to read:

1006.31 Duties of the Department of Education and school
 2126 district instructional materials reviewer.—The duties of the
 2127 instructional materials reviewer are:

(2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use evaluate
 2130 ~~carefully all instructional materials submitted, in order to~~
 2131 ~~ascertain which instructional materials, if any, submitted for~~
 2132 ~~consideration implement the selection criteria listed in s.~~
 2133 1006.34(2) (b) developed by the department and recommend for
 2134 adoption only those instructional materials aligned with the
 2135 Next Generation Sunshine State ~~those curricular objectives~~
 2136 ~~included within applicable performance~~ Standards provided for in
 2137 s. 1003.41 ~~1001.03(1)~~.

(a) When recommending instructional materials for use in
 2139 the schools, each reviewer shall include only instructional
 2140 materials that accurately portray the ethnic, socioeconomic,
 2141 cultural, and racial diversity of our society, including men and
 2142 women in professional, career, and executive roles, and the role
 2143 and contributions of the entrepreneur and labor in the total
 2144 development of this state and the United States.

(b) When recommending instructional materials for use in
 2145
 2146

3-00935A-14 20141226__

2147 the schools, each reviewer shall include only materials that
 2148 accurately portray, whenever appropriate, humankind's place in
 2149 ecological systems, including the necessity for the protection
 2150 of our environment and conservation of our natural resources and
 2151 the effects on the human system of the use of tobacco, alcohol,
 2152 controlled substances, and other dangerous substances.

2153 (c) When recommending instructional materials for use in
 2154 the schools, each reviewer shall require such materials as he or
 2155 she deems necessary and proper to encourage thrift, fire
 2156 prevention, and humane treatment of people and animals.

2157 (d) When recommending instructional materials for use in
 2158 the schools, each reviewer shall require, when appropriate to
 2159 the comprehension of students, that materials for social
 2160 science, history, or civics classes contain the Declaration of
 2161 Independence and the Constitution of the United States. A
 2162 reviewer may not recommend any instructional materials for use
 2163 in the schools which contain any matter reflecting unfairly upon
 2164 persons because of their race, color, creed, national origin,
 2165 ancestry, gender, or occupation.

2166 (e) Any instructional material recommended by each reviewer
 2167 for use in the schools shall be, to the satisfaction of each
 2168 reviewer, accurate, objective, and current and suited to the
 2169 needs and comprehension of students at their respective grade
 2170 levels. Reviewers shall consider for adoption materials
 2171 developed for academically talented students such as those
 2172 enrolled in advanced placement courses.

2173 Section 64. Paragraph (b) of subsection (2) of section
 2174 1006.34, Florida Statutes, is amended to read:
 2175 1006.34 Powers and duties of the commissioner and the

3-00935A-14 20141226__

2176 department in selecting and adopting instructional materials.-
 2177 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.-
 2178 (b) In the selection of instructional materials, library
 2179 media, and other reading material used in the public school
 2180 system, the standards used to determine the propriety of the
 2181 material shall include:

2182 1. The age of the students who normally could be expected
 2183 to have access to the material.

2184 2. The educational purpose to be served by the material. ~~It~~
 2185 ~~considering instructional materials for classroom use,~~ Priority
 2186 shall be given to the selection of materials that align with the
 2187 Next Generation Sunshine State Standards as provided for in s.
 2188 1003.41 which encompass the state and district school board
 2189 performance standards provided for in s. 1001.03(1) and which
 2190 include the instructional objectives contained within the
 2191 curriculum frameworks for career and technical education and
 2192 adult and adult general education adopted ~~approved~~ by rule of
 2193 the State Board of Education under s. 1004.92.

2194 3. The degree to which the material would be supplemented
 2195 and explained by mature classroom instruction as part of a
 2196 normal classroom instructional program.

2197 4. The consideration of the broad racial, ethnic,
 2198 socioeconomic, and cultural diversity of the students of this
 2199 state.

2200
 2201 Any instructional material containing pornography or otherwise
 2202 prohibited by s. 847.012 may not be used or made available
 2203 within any public school.

2204 Section 65. Subsection (2) and paragraph (a) of subsection

3-00935A-14 20141226__

2205 (3) of section 1006.40, Florida Statutes, are amended, and
2206 subsection (8) is added to that section, to read:

2207 1006.40 Use of instructional materials allocation;
2208 instructional materials, library books, and reference books;
2209 repair of books.—

2210 (2) Each district school board must purchase current
2211 instructional materials to provide each student with a major
2212 tool of instruction in core courses of the subject areas of
2213 mathematics, language arts, science, social studies, reading,
2214 and literature for kindergarten through grade 12. Such purchase
2215 must be made within the first 3 years after the effective date
2216 of the adoption cycle unless a district school board or a
2217 consortium of school districts has implemented an instructional
2218 materials program pursuant to s. 1006.283. For the 2012-2013
2219 mathematics adoption, a district using a comprehensive
2220 mathematics instructional materials program adopted in the 2009-
2221 2010 adoption shall be deemed in compliance with this subsection
2222 if it provides each student with such additional state-adopted
2223 materials as may be necessary to align the previously adopted
2224 comprehensive program to common core standards and the other
2225 criteria of the 2012-2013 mathematics adoption.

2226 (3) (a) Beginning with By the 2015-2016 fiscal year, each
2227 district school board shall use at least 50 percent of the
2228 annual allocation for the purchase of digital or electronic
2229 instructional materials that align with state standards included
2230 on the state-adopted list, except as otherwise authorized in
2231 paragraphs (b) and (c). ~~This section does not apply to a~~
2232 ~~district school board or a consortium of school districts which~~
2233 ~~implements an instructional materials program pursuant to s.~~

Page 77 of 121

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3-00935A-14 20141226__

2234 ~~1006.283, except that by the 2015-2016 fiscal year, each~~
2235 ~~district school board shall use at least 50 percent of the~~
2236 ~~annual allocation for the purchase of digital or electronic~~
2237 ~~instructional materials that align with state standards.~~

2238 (8) Subsections (3), (4), and (6) do not apply to a
2239 district school board or a consortium of school districts that
2240 implements an instructional materials program pursuant to s.
2241 1006.283 except that, by the 2015-2016 fiscal year, each
2242 district school board shall use at least 50 percent of the
2243 annual instructional materials allocation for the purchase of
2244 digital or electronic instructional materials that align with
2245 state standards adopted by the State Board of Education pursuant
2246 to s. 1003.41.

2247 Section 66. Section 1006.42, Florida Statutes, is amended
2248 to read:

2249 1006.42 Responsibility of students and parents for
2250 instructional materials.—

2251 ~~(1)~~ All instructional materials purchased under the
2252 provisions of this part are the property of the district school
2253 board. When distributed to the students, these instructional
2254 materials are on loan to the students while they are pursuing
2255 their courses of study and are to be returned at the direction
2256 of the school principal or the teacher in charge. Each parent of
2257 a student to whom or for whom instructional materials have been
2258 issued, is liable for any loss or destruction of, or unnecessary
2259 damage to, the instructional materials or for failure of the
2260 student to return the instructional materials when directed by
2261 the school principal or the teacher in charge, and shall pay for
2262 such loss, destruction, or unnecessary damage as provided under

Page 78 of 121

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3-00935A-14 20141226__

2263 s. 1006.28(3) by law.

2264 ~~(2) Nothing in this part shall be construed to prohibit~~
 2265 ~~parents from exercising their right to purchase instructional~~
 2266 ~~materials from the district school board.~~

2267 Section 67. Section 1007.02, Florida Statutes, is amended
 2268 to read:

2269 1007.02 ~~Access to postsecondary education and meaningful~~
 2270 ~~careers for~~ Students with disabilities; ~~popular name;~~
 2271 definition.-

2272 ~~(1) This section shall be known by the popular name the~~
 2273 ~~"Enhanced New Needed Opportunity for Better Life and Education~~
 2274 ~~for Students with Disabilities (ENNOBLES) Act."~~

2275 ~~(2) For the purposes of this chapter act, the term "student~~
 2276 ~~with a disability" means a any student who is documented as~~
 2277 ~~having an intellectual disability; a hearing impairment,~~
 2278 ~~including deafness; a speech or language impairment; a visual~~
 2279 ~~impairment, including blindness; an emotional or behavioral~~
 2280 ~~disability; an orthopedic or other health impairment; an autism~~
 2281 ~~spectrum disorder; a traumatic brain injury; or a specific~~
 2282 ~~learning disability, including, but not limited to, dyslexia,~~
 2283 ~~dyscalculia, or developmental aphasia.~~

2284 Section 68. Paragraph (a) of subsection (1) and subsection
 2285 (3) of section 1007.2615, Florida Statutes, are amended to read:

2286 1007.2615 American Sign Language; findings; foreign-
 2287 language credits authorized; teacher licensing.-

2288 (1) LEGISLATIVE FINDINGS; PURPOSE.-

2289 (a) The Legislature finds that:

2290 1. American Sign Language (ASL) is a fully developed
 2291 visual-gestural language with distinct grammar, syntax, and

3-00935A-14 20141226__

2292 symbols and is one of hundreds of signed languages of the world.

2293 2. ASL is recognized as the language of the American deaf
 2294 community and is the fourth most commonly used language in the
 2295 United States and Canada.

2296 3. The American deaf community is a group of citizens who
 2297 are members of a unique culture who share ASL as their common
 2298 language.

2299 ~~4. Thirty-three state legislatures have adopted legislation~~
 2300 ~~recognizing ASL as a language that should be taught in schools.~~

2301 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF
 2302 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN
 2303 FOR POSTSECONDARY EDUCATION PROVIDERS.-

2304 ~~(a) The Commissioner of Education shall appoint a seven-~~
 2305 ~~member task force that includes representatives from two state~~
 2306 ~~universities and one private college or university located~~
 2307 ~~within this state which currently offer a 4-year deaf education~~
 2308 ~~or sign language interpretation program as a part of their~~
 2309 ~~respective curricula, two representatives from the Florida~~
 2310 ~~American Sign Language Teachers' Association (FASLTA), and two~~
 2311 ~~representatives from Florida College System institutions located~~
 2312 ~~within this state which have established Interpreter Training~~
 2313 ~~Programs (ITPs). This task force shall develop and submit to the~~
 2314 ~~Commissioner of Education a report that contains the most up-to-~~
 2315 ~~date information about American Sign Language (ASL) and~~
 2316 ~~guidelines for developing and maintaining ASL courses as a part~~
 2317 ~~of the curriculum. This information must be made available to~~
 2318 ~~any administrator of a public or an independent school upon~~
 2319 ~~request of the administrator.~~

2320 (a) ~~(b)~~ By January 1, 2005, The State Board of Education

3-00935A-14 20141226__

2321 shall adopt rules establishing licensing/certification standards
 2322 to be applied to teachers who teach American Sign Language (ASL)
 2323 ~~ASL as part of a school curriculum. In developing the rules, the~~
 2324 ~~state board shall consult with the task force established under~~
 2325 ~~paragraph (a).~~

2326 ~~(b)(c)~~ An ASL teacher must be certified by the Department
 2327 of Education ~~by July 1, 2009.~~

2328 ~~(c)(d)~~ The Commissioner of Education shall work with
 2329 providers of postsecondary education, except for state
 2330 universities, to develop and implement a plan to ensure that
 2331 these institutions in this state will accept secondary school
 2332 credits in ASL as credits in a foreign language and to encourage
 2333 postsecondary institutions to offer ASL courses to students as a
 2334 fulfillment of the requirement for studying a foreign language.

2335 Section 69. Subsection (4) of section 1007.263, Florida
 2336 Statutes, is amended to read:

2337 1007.263 Florida College System institutions; admissions of
 2338 students.—Each Florida College System institution board of
 2339 trustees is authorized to adopt rules governing admissions of
 2340 students subject to this section and rules of the State Board of
 2341 Education. These rules shall include the following:

2342 (4) A student who has been awarded a special diploma under
 2343 ~~as defined in s. 1003.438~~ or a certificate of completion under
 2344 ~~as defined in s. 1003.4282~~ 1003.428(7)(b) is eligible to enroll
 2345 in certificate career education programs.

2346

2347 Each board of trustees shall establish policies that notify
 2348 students about developmental education options for improving
 2349 their communication or computation skills that are essential to

3-00935A-14 20141226__

2350 performing college-level work, including tutoring, extended time
 2351 in gateway courses, free online courses, adult basic education,
 2352 adult secondary education, or private provider instruction.

2353 Section 70. Subsection (1) of section 1007.264, Florida
 2354 Statutes, is amended to read:

2355 1007.264 Persons with disabilities; admission to
 2356 postsecondary educational institutions; substitute requirements;
 2357 rules and regulations.—

2358 (1) A ~~Any~~ student with a disability, ~~as defined in s.~~
 2359 ~~1007.02(2)~~, who is otherwise eligible shall be eligible for
 2360 reasonable substitution for any requirement for admission into a
 2361 public postsecondary educational institution where documentation
 2362 can be provided that the person's failure to meet the admission
 2363 requirement is related to the disability.

2364 Section 71. Subsection (1) of section 1007.265, Florida
 2365 Statutes, is amended to read:

2366 1007.265 Persons with disabilities; graduation, study
 2367 program admission, and upper-division entry; substitute
 2368 requirements; rules and regulations.—

2369 (1) A ~~Any~~ student with a disability, ~~as defined in s.~~
 2370 ~~1007.02(2)~~, in a public postsecondary educational institution
 2371 shall be eligible for reasonable substitution for any
 2372 requirement for graduation, for admission into a program of
 2373 study, or for entry into the upper division where documentation
 2374 can be provided that the person's failure to meet the
 2375 requirement is related to the disability and where failure to
 2376 meet the graduation requirement or program admission requirement
 2377 does not constitute a fundamental alteration in the nature of
 2378 the program.

3-00935A-14

20141226__

2379 Section 72. Subsections (2) and (9) of section 1007.271,
 2380 Florida Statutes, are amended to read:
 2381 1007.271 Dual enrollment programs.—
 2382 (2) For the purpose of this section, an eligible secondary
 2383 student is a student who is enrolled in any of grades 6 through
 2384 12 in a Florida public ~~secondary~~ school or in a Florida private
 2385 ~~secondary~~ school ~~that which~~ is in compliance with s. 1002.42(2)
 2386 and provides a secondary curriculum pursuant to ~~s. 1003.428 or~~
 2387 s. 1003.4282. Students who are eligible for dual enrollment
 2388 pursuant to this section may enroll in dual enrollment courses
 2389 conducted during school hours, after school hours, and during
 2390 the summer term. However, if the student is projected to
 2391 graduate from high school before the scheduled completion date
 2392 of a postsecondary course, the student may not register for that
 2393 course through dual enrollment. The student may apply to the
 2394 postsecondary institution and pay the required registration,
 2395 tuition, and fees if the student meets the postsecondary
 2396 institution's admissions requirements under s. 1007.263.
 2397 Instructional time for dual enrollment may vary from 900 hours;
 2398 however, the full-time equivalent student membership value shall
 2399 be subject to the provisions in s. 1011.61(4). A Any student
 2400 enrolled as a dual enrollment student is exempt from the payment
 2401 of registration, tuition, and laboratory fees. Applied academics
 2402 for adult education instruction, developmental education, and
 2403 other forms of precollegiate instruction, as well as physical
 2404 education courses that focus on the physical execution of a
 2405 skill rather than the intellectual attributes of the activity,
 2406 are ineligible for inclusion in the dual enrollment program.
 2407 Recreation and leisure studies courses shall be evaluated

Page 83 of 121

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3-00935A-14

20141226__

2408 individually in the same manner as physical education courses
 2409 for potential inclusion in the program.
 2410 (9) The Commissioner of Education shall appoint faculty
 2411 committees representing public school, Florida College System
 2412 institution, and university faculties to identify postsecondary
 2413 courses that meet the high school graduation requirements of ~~s.~~
 2414 ~~1003.428 or~~ s. 1003.4282 and to establish the number of
 2415 postsecondary semester credit hours of instruction and
 2416 equivalent high school credits earned through dual enrollment
 2417 pursuant to this section that are necessary to meet high school
 2418 graduation requirements. Such equivalencies shall be determined
 2419 solely on comparable course content and not on seat time
 2420 traditionally allocated to such courses in high school. The
 2421 Commissioner of Education shall recommend to the State Board of
 2422 Education those postsecondary courses identified to meet high
 2423 school graduation requirements, based on mastery of course
 2424 outcomes, by their course numbers, and all high schools shall
 2425 accept these postsecondary education courses toward meeting the
 2426 requirements of ~~s. 1003.428 or~~ s. 1003.4282.
 2427 Section 73. Subsections (3), (7), and (8) of section
 2428 1008.22, Florida Statutes, are amended to read:
 2429 1008.22 Student assessment program for public schools.—
 2430 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
 2431 Commissioner of Education shall design and implement a
 2432 statewide, standardized assessment program aligned to the core
 2433 curricular content established in the Next Generation Sunshine
 2434 State Standards. The commissioner also must develop or select
 2435 and implement a common battery of assessment tools that will be
 2436 used in all juvenile justice education programs in the state.

Page 84 of 121

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3-00935A-14

20141226__

2437 These tools must accurately measure the core curricular content
 2438 established in the Next Generation Sunshine State Standards.
 2439 Participation in the assessment program is mandatory for all
 2440 school districts and all students attending public schools,
 2441 including adult students seeking a standard on adult high school
 2442 diploma under s. 1003.4282 and students in Department of
 2443 Juvenile Justice education programs, except as otherwise
 2444 provided by law prescribed by the commissioner. If a student
 2445 does not participate in the assessment program, the school
 2446 district must notify the student's parent and provide the parent
 2447 with information regarding the implications of such
 2448 nonparticipation. The statewide, standardized assessment program
 2449 shall be designed and implemented as follows:

2450 (a) Statewide, standardized comprehensive assessments
 2451 Florida Comprehensive Assessment Test (FCAT) until replaced by
 2452 common core assessments. ~~The statewide, standardized FCAT~~
 2453 Reading assessment shall be administered annually in grades 3
 2454 through 10. The statewide, standardized Writing assessment shall
 2455 be administered annually at least once at the elementary,
 2456 middle, and high school levels. When the Reading and Writing
 2457 assessments are replaced by English Language Arts (ELA)
 2458 assessments, ELA assessments shall be administered to students
 2459 in grades 3 through 11. Retake opportunities for the grade 10
 2460 Reading assessment or, upon implementation, the grade 10 ELA
 2461 assessment must be provided. Students taking the ELA assessments
 2462 shall not take the statewide, standardized assessments in
 2463 Reading or Writing. ELA assessments shall be administered
 2464 online. The statewide, standardized, FCAT Mathematics
 2465 assessments shall be administered annually in grades 3 through

Page 85 of 121

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3-00935A-14

20141226__

2466 8. Students taking a revised Mathematics assessment shall not
 2467 take the discontinued assessment. The statewide, standardized,
 2468 ~~FCAT Writing shall be administered annually at least once at the~~
 2469 ~~elementary, middle, and high school levels, and FCAT Science~~
 2470 assessment shall be administered annually at least once at the
 2471 elementary and middle grades levels. In order to earn a standard
 2472 high school diploma, a student who has not earned a passing
 2473 score on the grade 10 FCAT Reading assessment or, upon
 2474 implementation, the grade 10 ELA assessment must earn a passing
 2475 score on the assessment retake or earn a concordant score as
 2476 authorized under subsection (7) must participate in each retake
 2477 of the assessment until the student earns a passing score. The
 2478 commissioner shall recommend and the State Board of Education
 2479 must adopt a score on both the SAT and ACT that is concordant to
 2480 a passing score on grade 10 FCAT Reading that, if achieved by a
 2481 student, meets the must-pass requirement for grade 10 FCAT
 2482 Reading.

2483 (b) End-of-course (EOC) assessments.—EOC assessments must
 2484 be statewide, standardized, and developed or approved by the
 2485 Department of Education as follows:

2486 1. Statewide, standardized EOC assessments in mathematics
 2487 shall be administered according to this subparagraph. Beginning
 2488 with the 2010-2011 school year, all students enrolled in Algebra
 2489 I must take the Algebra I EOC assessment. Except as otherwise
 2490 provided in paragraph (c) this section, beginning with students
 2491 entering grade 9 in the 2011-2012 school year, a student who is
 2492 enrolled in Algebra I must earn a passing score on the Algebra I
 2493 EOC assessment or attain a comparative score as authorized under
 2494 subsection (8) in order to earn a standard high school diploma.

Page 86 of 121

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3-00935A-14 20141226__

2495 In order to earn a standard high school diploma, a student who
 2496 has not earned a passing score on the Algebra I EOC assessment
 2497 must earn a passing score on the assessment retake or a
 2498 comparative score as authorized under subsection (8) must
 2499 ~~participate in each retake of the assessment until the student~~
 2500 ~~earns a passing score.~~ Beginning with the 2011-2012 school year,
 2501 all students enrolled in Geometry must take the Geometry EOC
 2502 assessment. Middle grades students enrolled in Algebra I, ~~or~~
 2503 Geometry, or Biology I must take the statewide, standardized EOC
 2504 assessment for those courses and shall ~~are~~ not ~~required to~~ take
 2505 the corresponding subject and grade-level statewide,
 2506 standardized assessment FCAT. When a statewide, standardized EOC
 2507 assessment in Algebra II is administered, all students enrolled
 2508 in Algebra II must take the EOC assessment. Pursuant to the
 2509 commissioner's implementation schedule, student performance on
 2510 the Algebra II EOC assessment constitutes 30 percent of a
 2511 student's final course grade.

2512 2. Statewide, standardized EOC assessments in science shall
 2513 be administered according to this subparagraph. Beginning with
 2514 the 2011-2012 school year, all students enrolled in Biology I
 2515 must take the Biology I EOC assessment. Beginning with students
 2516 entering grade 9 in the 2013-2014 school year, performance on
 2517 the Biology I EOC assessment constitutes 30 percent of the
 2518 student's final course grade.

2519 3. ~~During the 2012-2013 school year, an EOC assessment in~~
 2520 ~~civics education shall be administered as a field test at the~~
 2521 ~~middle grades level.~~ Beginning with the 2013-2014 school year,
 2522 each student's performance on the statewide, standardized middle
 2523 grades Civics EOC assessment ~~in civics education~~ constitutes 30

Page 87 of 121

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3-00935A-14 20141226__

2524 percent of the student's final course grade in civics education.

2525 4. The commissioner may select one or more nationally
 2526 developed comprehensive examinations, which may include
 2527 examinations for a College Board Advanced Placement course,
 2528 International Baccalaureate course, or Advanced International
 2529 Certificate of Education course, or industry-approved
 2530 examinations to earn national industry certifications identified
 2531 in the Industry Certification Funding List, for use as EOC
 2532 assessments under this paragraph if the commissioner determines
 2533 that the content knowledge and skills assessed by the
 2534 examinations meet or exceed the grade-level expectations for the
 2535 core curricular content established for the course in the Next
 2536 Generation Sunshine State Standards. Use of any such examination
 2537 as an EOC assessment must be approved by the state board in
 2538 rule.

2539 5. Contingent upon funding provided in the General
 2540 Appropriations Act, including the appropriation of funds
 2541 received through federal grants, the commissioner may establish
 2542 an implementation schedule for the development and
 2543 administration of additional statewide, standardized EOC
 2544 assessments that must be approved by the state board, in rule.
 2545 If approved by the state board, student performance on such
 2546 assessments constitutes 30 percent of a student's final course
 2547 grade.

2548 6. All statewide, standardized EOC assessments must be
 2549 administered online except as otherwise provided in paragraph
 2550 (c).

2551 (c) *Students with disabilities; Florida Alternate*
 2552 *Assessment.*-

Page 88 of 121

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3-00935A-14

20141226__

2553 1. Each district school board must provide instruction to
 2554 prepare students with disabilities in the core content knowledge
 2555 and skills necessary for successful grade-to-grade progression
 2556 and high school graduation.

2557 2. A student with a disability, as defined in s. 1007.02
 2558 ~~1007.02(2)~~, for whom the individual education plan (IEP) team
 2559 determines that the statewide, standardized assessments under
 2560 this section cannot accurately measure the student's abilities,
 2561 taking into consideration all allowable accommodations, shall
 2562 have assessment results waived for the purpose of receiving a
 2563 course grade and a standard high school diploma. Such waiver
 2564 shall be designated on the student's transcript. The statement
 2565 of waiver shall be limited to a statement that performance on an
 2566 assessment was waived for the purpose of receiving a course
 2567 grade or a standard high school diploma, as applicable.

2568 3. The State Board of Education shall adopt rules, based
 2569 upon recommendations of the commissioner, for the provision of
 2570 assessment accommodations for students with disabilities and for
 2571 students who have limited English proficiency.

2572 a. Accommodations that negate the validity of a statewide,
 2573 standardized assessment are not allowed during the
 2574 administration of the assessment. However, instructional
 2575 accommodations are allowed in the classroom if identified in a
 2576 student's IEP. Students using instructional accommodations in
 2577 the classroom that are not allowed on a statewide, standardized
 2578 assessment may have assessment results waived if the IEP team
 2579 determines that the assessment cannot accurately measure the
 2580 student's abilities.

2581 b. If a student is provided with instructional

Page 89 of 121

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3-00935A-14

20141226__

2582 accommodations in the classroom that are not allowed as
 2583 accommodations for statewide, standardized assessments, the
 2584 district must inform the parent in writing and provide the
 2585 parent with information regarding the impact on the student's
 2586 ability to meet expected performance levels. A parent must
 2587 provide signed consent for a student to receive classroom
 2588 instructional accommodations that would not be available or
 2589 permitted on a statewide, standardized assessment and
 2590 acknowledge in writing that he or she understands the
 2591 implications of such instructional accommodations.

2592 c. If a student's IEP states that online administration of
 2593 a statewide, standardized assessment will significantly impair
 2594 the student's ability to perform, the assessment shall be
 2595 administered in hard copy.

2596 4. For students with significant cognitive disabilities,
 2597 the Department of Education shall provide for implementation of
 2598 the Florida Alternate Assessment to accurately measure the core
 2599 curricular content established in the Next Generation Sunshine
 2600 State Standards.

2601 (d) Implementation schedule ~~Common core assessments in~~
 2602 ~~English Language Arts (ELA) and mathematics.-~~

2603 ~~1. Contingent upon funding, common core assessments in ELA~~
 2604 ~~shall be administered to students in grades 3 through 11. Retake~~
 2605 ~~opportunities for the grade 10 assessment must be provided.~~
 2606 ~~Students taking the ELA assessments are not required to take the~~
 2607 ~~assessments in FCAT Reading or FCAT Writing. Common core ELA~~
 2608 ~~assessments shall be administered online.~~

2609 ~~2. Contingent upon funding, common core assessments in~~
 2610 ~~mathematics shall be administered to all students in grades 3~~

Page 90 of 121

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3-00935A-14

20141226__

2611 through 8, and common core assessments in Algebra I, Geometry,
 2612 and Algebra II shall be administered to students enrolled in
 2613 those courses. Retake opportunities must be provided for the
 2614 Algebra I assessment. Students may take the common core
 2615 mathematics assessments pursuant to the Credit Acceleration
 2616 Program (CAP) under s. 1003.4295(3). Students taking common core
 2617 assessments in mathematics are not required to take FCAT
 2618 Mathematics or statewide, standardized EOC assessments in
 2619 mathematics. Common core mathematics assessments shall be
 2620 administered online.

2621 1.3. The Commissioner State Board of Education shall
 2622 establish and publish on the department's website adopt rules
 2623 establishing an implementation schedule to transition from the
 2624 statewide, standardized FCAT Reading and, FCAT Writing
 2625 assessments to the ELA assessments and to the revised, FCAT
 2626 Mathematics assessments, including the, and Algebra I and
 2627 Geometry EOC assessments to common core assessments in English
 2628 Language Arts and mathematics. The schedule must take into
 2629 consideration funding, sufficient field and baseline data,
 2630 access to assessments, instructional alignment, and school
 2631 district readiness to administer the common core assessments
 2632 online. Until the 10th grade common core ELA and Algebra I
 2633 assessments become must-pass assessments, students must pass
 2634 10th grade FCAT Reading and the Algebra I EOC assessment, or
 2635 achieve a concordant or comparative score as authorized under
 2636 this section, in order to earn a standard high school diploma
 2637 under s. 1003.4282. Students taking 10th grade FCAT Reading or
 2638 the Algebra I EOC assessment are not required to take the
 2639 respective common core assessments.

Page 91 of 121

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3-00935A-14

20141226__

2640 2.4. The Department of Education shall publish minimum and
 2641 recommended technology requirements that include specifications
 2642 for hardware, software, networking, security, and broadband
 2643 capacity to facilitate school district compliance with the
 2644 requirement that ~~common core~~ assessments be administered online.

2645 (e) *Assessment scores and achievement levels.*—

2646 1. All statewide, standardized EOC assessments and FCAT
 2647 Reading, FCAT Writing, and FCAT Science assessments shall use
 2648 scaled scores and achievement levels. Achievement levels shall
 2649 range from 1 through 5, with level 1 being the lowest
 2650 achievement level, level 5 being the highest achievement level,
 2651 and level 3 indicating satisfactory performance on an
 2652 assessment. For purposes of the statewide, standardized FCAT
 2653 Writing assessment, student achievement shall be scored using a
 2654 scale of 1 through 6.

2655 2. The state board shall designate by rule a passing score
 2656 for each statewide, standardized EOC and FCAT assessment. ~~In~~
 2657 ~~addition, the state board shall designate a score for each~~
 2658 ~~statewide, standardized EOC assessment that indicates that a~~
 2659 ~~student is high achieving and has the potential to meet college-~~
 2660 ~~readiness standards by the time the student graduates from high~~
 2661 ~~school.~~

2662 3. If the commissioner seeks to revise a statewide,
 2663 standardized assessment and the revisions require the state
 2664 board to modify performance level scores, including the passing
 2665 score, the commissioner shall provide a copy of the proposed
 2666 scores and implementation plan to the President of the Senate
 2667 and the Speaker of the House of Representatives at least 90 days
 2668 before submission to the state board for review. Until the state

Page 92 of 121

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3-00935A-14

20141226__

2669 board adopts the modifications by rule, the commissioner shall
 2670 use calculations for scoring the assessment that adjust student
 2671 scores on the revised assessment for statistical equivalence to
 2672 student scores on the former assessment. The state board shall
 2673 adopt by rule the passing score for the revised assessment that
 2674 is statistically equivalent to the passing score on the
 2675 discontinued assessment for a student who is required to attain
 2676 a passing score on the discontinued assessment. The commissioner
 2677 may, with approval of the state board, discontinue
 2678 administration of the former assessment upon the graduation,
 2679 based on normal student progression, of students participating
 2680 in the final regular administration of the former assessment. If
 2681 the commissioner revises a statewide, standardized assessment
 2682 and the revisions require the state board to modify the passing
 2683 score, only students taking the assessment for the first time
 2684 after the rule is adopted are affected.

2685 (f) *Assessment schedules and reporting of results.*—The
 2686 Commissioner of Education shall establish schedules for the
 2687 administration of assessments and the reporting of student
 2688 assessment results. The commissioner shall consider the
 2689 observance of religious and school holidays when developing the
 2690 schedule. By August 1 of each year, the commissioner shall
 2691 notify each school district in writing and publish on the
 2692 department's website the assessment and reporting schedules for,
 2693 at a minimum, the school year following the upcoming school
 2694 year. The assessment and reporting schedules must provide the
 2695 earliest possible reporting of student assessment results to the
 2696 school districts. Assessment results for the statewide,
 2697 standardized FCAT Reading assessments, or upon implementation

Page 93 of 121

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3-00935A-14

20141226__

2698 the ELA assessments, and FCAT Mathematics assessments, including
 2699 the EOC assessments in Algebra I and Geometry, must be made
 2700 available no later than the week of June 8. The administration
 2701 of the statewide, standardized FCAT Writing assessment and the
 2702 Florida Alternate Assessment may be no earlier than the week of
 2703 March 1. School districts shall administer assessments in
 2704 accordance with the schedule established by the commissioner.

2705 (g) *Prohibited activities.*—A district school board shall
 2706 prohibit each public school from suspending a regular program of
 2707 curricula for purposes of administering practice assessments or
 2708 engaging in other assessment-preparation activities for a
 2709 statewide, standardized assessment. However, a district school
 2710 board may authorize a public school to engage in the following
 2711 assessment-preparation activities:

2712 1. Distributing to students sample assessment books and
 2713 answer keys published by the Department of Education.

2714 2. Providing individualized instruction in assessment-
 2715 taking strategies, without suspending the school's regular
 2716 program of curricula, for a student who scores Level 1 or Level
 2717 2 on a prior administration of an assessment.

2718 3. Providing individualized instruction in the content
 2719 knowledge and skills assessed, without suspending the school's
 2720 regular program of curricula, for a student who scores Level 1
 2721 or Level 2 on a prior administration of an assessment or a
 2722 student who, through a diagnostic assessment administered by the
 2723 school district, is identified as having a deficiency in the
 2724 content knowledge and skills assessed.

2725 4. Administering a practice assessment or engaging in other
 2726 assessment-preparation activities that are determined necessary

Page 94 of 121

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3-00935A-14

20141226__

2727 to familiarize students with the organization of the assessment,
 2728 the format of assessment items, and the assessment directions or
 2729 that are otherwise necessary for the valid and reliable
 2730 administration of the assessment, as set forth in rules adopted
 2731 by the State Board of Education with specific reference to this
 2732 paragraph.

2733 (h) *Contracts for assessments.*—The commissioner shall
 2734 provide for the assessments to be developed or obtained, as
 2735 appropriate, through contracts and project agreements with
 2736 private vendors, public vendors, public agencies, postsecondary
 2737 educational institutions, or school districts. The commissioner
 2738 may enter into contracts for the continued administration of the
 2739 assessments authorized and funded by the Legislature. Contracts
 2740 may be initiated in 1 fiscal year and continue into the next
 2741 fiscal year and may be paid from the appropriations of either or
 2742 both fiscal years. The commissioner may negotiate for the sale
 2743 or lease of tests, scoring protocols, test scoring services, and
 2744 related materials developed pursuant to law.

2745 (7) CONCORDANT SCORES ~~FOR 10TH GRADE FCAT READING.~~ Until
 2746 ~~the state transitions to common core English Language Arts~~
 2747 ~~assessments,~~ The Commissioner of Education must identify scores
 2748 on the SAT and ACT that if achieved satisfy the graduation
 2749 requirement that a student pass the grade 10 statewide,
 2750 standardized 10th grade FCAT Reading assessment or, upon
 2751 implementation, the grade 10 ELA assessment. The commissioner
 2752 may identify concordant scores on ~~other~~ assessments other than
 2753 the SAT and ACT as well. If the content or scoring procedures
 2754 change for the grade 10 Reading assessment or, upon
 2755 implementation, the grade 10 ELA assessment ~~10th grade FCAT~~

Page 95 of 121

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3-00935A-14

20141226__

2756 ~~Reading,~~ new concordant scores must be determined. If new
 2757 concordant scores are not timely adopted, the last-adopted
 2758 concordant scores remain in effect until such time as new scores
 2759 are adopted. The state board shall adopt concordant scores in
 2760 rule.

2761 (8) COMPARATIVE SCORES FOR END-OF-COURSE (EOC) ASSESSMENT
 2762 ~~ASSESSMENTS.~~—The Commissioner of Education must identify one or
 2763 more comparative scores for the Algebra I EOC assessment ~~and may~~
 2764 ~~identify comparative scores for the other EOC assessments.~~ If
 2765 the content or scoring procedures change for the EOC assessment
 2766 ~~assessments,~~ new comparative scores must be determined. If new
 2767 comparative scores are not timely adopted, the last-adopted
 2768 comparative scores remain in effect until such time as new
 2769 scores are adopted. The state board shall adopt comparative
 2770 scores in rule.

2771 Section 74. Paragraph (h) of subsection (2), paragraph (a)
 2772 of subsection (4), paragraph (b) of subsection (6), and
 2773 paragraph (b) of subsection (7) of section 1008.25, Florida
 2774 Statutes, are amended to read:

2775 1008.25 Public school student progression; remedial
 2776 instruction; reporting requirements.—

2777 (2) COMPREHENSIVE STUDENT PROGRESSION PLAN.—Each district
 2778 school board shall establish a comprehensive plan for student
 2779 progression which must:

2780 (h) Provide instructional sequences by which students in
 2781 kindergarten through high school may attain progressively higher
 2782 levels of skill in the use of digital tools and applications.
 2783 The instructional sequences must include participation in
 2784 curricular and instructional options and the demonstration of

Page 96 of 121

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3-00935A-14 20141226__

2785 competence of standards required pursuant to ss. 1003.41 and
 2786 1003.4203 through attainment of industry certifications and
 2787 other means of demonstrating credit requirements identified
 2788 under ss. 1002.3105, 1003.4203, ~~1003.428~~, and 1003.4282.

2789 (4) ASSESSMENT AND REMEDIATION.—

2790 (a) Each student must participate in the statewide,
 2791 standardized assessment program required by s. 1008.22. Each
 2792 student who does not meet specific levels of performance on the
 2793 required assessments as determined by the district school board
 2794 or who scores below Level 3 on the statewide, standardized
 2795 Reading assessment or, upon implementation, the English Language
 2796 Arts assessment or on the statewide, standardized Mathematics
 2797 assessments in grades 3 through 8 and the Algebra I EOC
 2798 assessment FCAT Reading or FCAT Mathematics or on the common
 2799 core English Language Arts or mathematics assessments as
 2800 applicable under s. 1008.22 must be provided with additional
 2801 diagnostic assessments to determine the nature of the student's
 2802 difficulty, the areas of academic need, and strategies for
 2803 appropriate intervention and instruction as described in
 2804 paragraph (b).

2805 (6) ELIMINATION OF SOCIAL PROMOTION.—

2806 (b) The district school board may only exempt students from
 2807 mandatory retention, as provided in paragraph (5)(b), for good
 2808 cause. Good cause exemptions shall be limited to the following:

2809 1. Limited English proficient students who have had less
 2810 than 2 years of instruction in an English for Speakers of Other
 2811 Languages program.

2812 2. Students with disabilities whose individual education
 2813 plan indicates that participation in the statewide assessment

3-00935A-14 20141226__

2814 program is not appropriate, consistent with the requirements of
 2815 s. 1008.212 State Board of Education rule.

2816 3. Students who demonstrate an acceptable level of
 2817 performance on an alternative standardized reading or English
 2818 Language Arts assessment approved by the State Board of
 2819 Education.

2820 4. A student who demonstrates through a student portfolio
 2821 that he or she is performing at least at Level 2 on the
 2822 statewide, standardized FCAT Reading assessment or, upon
 2823 implementation, the common core English Language Arts
 2824 assessment, as applicable under s. 1008.22.

2825 5. Students with disabilities who take the statewide,
 2826 standardized participate in FCAT Reading assessment or, upon
 2827 implementation, the common core English Language Arts
 2828 assessment, as applicable under s. 1008.22, and who have an
 2829 individual education plan or a Section 504 plan that reflects
 2830 that the student has received intensive remediation in reading
 2831 or and English Language Arts for more than 2 years but still
 2832 demonstrates a deficiency and was previously retained in
 2833 kindergarten, grade 1, grade 2, or grade 3.

2834 6. Students who have received intensive remediation in
 2835 reading or and English Language Arts, as applicable under s.
 2836 1008.22, for 2 or more years but still demonstrate a deficiency
 2837 and who were previously retained in kindergarten, grade 1, grade
 2838 2, or grade 3 for a total of 2 years. Intensive instruction for
 2839 students so promoted must include an altered instructional day
 2840 that includes specialized diagnostic information and specific
 2841 reading strategies for each student. The district school board
 2842 shall assist schools and teachers to implement reading

3-00935A-14 20141226__

2843 strategies that research has shown to be successful in improving
 2844 reading among low-performing readers.

2845 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
 2846 STUDENTS.—

2847 (b) Each school district shall:

2848 1. Provide third grade students who are retained under the
 2849 provisions of paragraph (5) (b) with intensive instructional
 2850 services and supports to remediate the identified areas of
 2851 reading deficiency, including participation in the school
 2852 district's summer reading camp as required under paragraph (a)
 2853 and a minimum of 90 minutes of daily, uninterrupted,
 2854 scientifically research-based reading instruction which includes
 2855 phonemic awareness, phonics, fluency, vocabulary, and
 2856 comprehension and other strategies prescribed by the school
 2857 district, which may include, but are not limited to:

2858 a. Integration of science and social studies content within
 2859 the 90-minute block.

2860 b. Small group instruction.

2861 c. Reduced teacher-student ratios.

2862 d. More frequent progress monitoring.

2863 e. Tutoring or mentoring.

2864 f. Transition classes containing 3rd and 4th grade
 2865 students.

2866 g. Extended school day, week, or year.

2867 2. Provide written notification to the parent of a any
 2868 student who is retained under the provisions of paragraph (5) (b)
 2869 that his or her child has not met the proficiency level required
 2870 for promotion and the reasons the child is not eligible for a
 2871 good cause exemption as provided in paragraph (6) (b). The

3-00935A-14 20141226__

2872 notification must comply with the provisions of s. 1002.20(15)
 2873 and must include a description of proposed interventions and
 2874 supports that will be provided to the child to remediate the
 2875 identified areas of reading deficiency.

2876 3. Implement a policy for the midyear promotion of a any
 2877 student retained under the provisions of paragraph (5) (b) who
 2878 can demonstrate that he or she is a successful and independent
 2879 reader and performing at or above grade level in reading or,
 2880 upon implementation of ~~and~~ English Language Arts assessments,
 2881 performing at or above grade level in English Language Arts, ~~as~~
 2882 ~~applicable under s. 1008.22.~~ Tools that school districts may use
 2883 in reevaluating a any student retained may include subsequent
 2884 assessments, alternative assessments, and portfolio reviews, in
 2885 accordance with rules of the State Board of Education.

2886 4. Provide students who are retained under the provisions
 2887 of paragraph (5) (b) with a highly effective teacher as
 2888 determined by the teacher's performance evaluation under s.
 2889 1012.34.

2890 5. Establish at each school, when applicable, an Intensive
 2891 Acceleration Class for retained grade 3 students who
 2892 subsequently score Level 1 on the required statewide,
 2893 standardized assessment identified in s. 1008.22. The focus of
 2894 the Intensive Acceleration Class shall be to increase a child's
 2895 reading and English Language Arts skill level at least two grade
 2896 levels in 1 school year. The Intensive Acceleration Class shall:

2897 a. Be provided to a any student in grade 3 who scores Level
 2898 1 on the statewide, standardized FCAT Reading assessment or,
 2899 upon implementation, the ~~common-core~~ English Language Arts
 2900 assessment, ~~as applicable under s. 1008.22,~~ and who was retained

3-00935A-14

20141226__

2901 in grade 3 the prior year because of scoring Level 1.

2902 b. Have a reduced teacher-student ratio.

2903 c. Provide uninterrupted reading instruction for the

2904 majority of student contact time each day and incorporate

2905 opportunities to master the grade 4 Next Generation Sunshine

2906 State Standards in other core subject areas.

2907 d. Use a reading program that is scientifically research-

2908 based and has proven results in accelerating student reading

2909 achievement within the same school year.

2910 e. Provide intensive language and vocabulary instruction

2911 using a scientifically research-based program, including use of

2912 a speech-language therapist.

2913 Section 75. Paragraphs (b) and (c) of subsection (4) and

2914 subsections (5) and (7) of section 1008.33, Florida Statutes,

2915 are amended to read:

2916 1008.33 Authority to enforce public school improvement.—

2917 (4)

2918 (b) ~~Except as provided in subsection (5),~~ The turnaround

2919 options available to a school district to address a school that

2920 earns a grade of "F" are:

2921 1. Convert the school to a district-managed turnaround

2922 school;

2923 2. Reassign students to another school and monitor the

2924 progress of each reassigned student;

2925 3. Close the school and reopen the school as one or more

2926 charter schools, each with a governing board that has a

2927 demonstrated record of effectiveness;

2928 4. Contract with an outside entity that has a demonstrated

2929 record of effectiveness to operate the school; or

Page 101 of 121

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3-00935A-14

20141226__

2930 5. Implement a hybrid of turnaround options set forth in

2931 subparagraphs 1.-4. or other turnaround models that have a

2932 demonstrated record of effectiveness.

2933 ~~(c) Except for schools required to implement a turnaround~~

2934 ~~option pursuant to subsection (5),~~ A school earning a grade of

2935 "F" shall have a planning year followed by 2 full school years

2936 to implement the initial turnaround option selected by the

2937 school district and approved by the state board. Implementation

2938 of the turnaround option is no longer required if the school

2939 improves by at least one letter grade.

2940 ~~(5) A school that earns a grade of "F" within 2 years after~~

2941 ~~raising its grade from a grade of "F" or that earns a grade of~~

2942 ~~"F" within 2 years after exiting the lowest performing category~~

2943 ~~under s. 3, chapter 2009-144, Laws of Florida, must implement~~

2944 ~~one of the turnaround options in subparagraphs (4)(b)2.-5.~~

2945 ~~(7) A school classified in the lowest performing category~~

2946 ~~under s. 3, chapter 2009-144, Laws of Florida, before July 1,~~

2947 ~~2012, is not required to continue implementing any turnaround~~

2948 ~~option unless the school earns a grade of "F" or a third~~

2949 ~~consecutive "D" for the 2011-2012 school year. A school earning~~

2950 ~~a grade of "F" or a third consecutive "D" for the 2011-2012~~

2951 ~~school year may not restart the number of years it has been low~~

2952 ~~performing by virtue of the 2012 amendments to this section.~~

2953 Section 76. Section 1008.331, Florida Statutes, is

2954 repealed.

2955 Section 77. Subsection (2) of section 1008.3415, Florida

2956 Statutes, is amended to read:

2957 1008.3415 School grade or school improvement rating for

2958 exceptional student education centers.—

Page 102 of 121

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3-00935A-14

20141226__

2959 (2) Notwithstanding s. 1008.34(3)(c)3., the achievement
 2960 scores and learning gains of a student with a disability who
 2961 attends an exceptional student education center and has not been
 2962 enrolled in or attended a public school other than an
 2963 exceptional student education center for grades K-12 within the
 2964 school district shall not be included in the calculation of the
 2965 home school's grade if the student is identified as an emergent
 2966 student on the alternate assessment ~~tool~~ described in s.
 2967 1008.22(3)(c) ~~1008.22(3)(c)13~~.

2968 Section 78. Section 1008.35, Florida Statutes, is repealed.

2969 Section 79. Subsection (3) of section 1009.22, Florida
 2970 Statutes, is amended to read:

2971 1009.22 Workforce education postsecondary student fees.—

2972 (3)(a) Except as otherwise provided by law, fees for
 2973 students who are nonresidents for tuition purposes must offset
 2974 the full cost of instruction. Residency of students shall be
 2975 determined as required in s. 1009.21. Fee-nonexempt students
 2976 enrolled in applied academics for adult education instruction
 2977 shall be charged fees equal to the fees charged for adult
 2978 general education programs. Each Florida College System
 2979 institution that conducts developmental education and applied
 2980 academics for adult education instruction in the same class
 2981 section may charge a single fee for both types of instruction.

2982 (b) Fees for continuing workforce education shall be
 2983 locally determined by the district school board or Florida
 2984 College System institution board of trustees. Expenditures for
 2985 the continuing workforce education program provided by the
 2986 Florida College System institution or school district must be
 2987 fully supported by fees. Enrollments in continuing workforce

3-00935A-14

20141226__

2988 education courses may not be counted for purposes of funding
 2989 full-time equivalent enrollment.

2990 (c) ~~Effective July 1, 2011,~~ For programs leading to a
 2991 career certificate or an applied technology diploma, the
 2992 standard tuition shall be \$2.22 per contact hour for residents
 2993 and nonresidents and the out-of-state fee shall be \$6.66 per
 2994 contact hour. For adult general education programs, a block
 2995 tuition of \$45 per half year or \$30 per term shall be assessed
 2996 for residents and nonresidents, and the out-of-state fee shall
 2997 be \$135 per half year or \$90 per term. Each district school
 2998 board and Florida College System institution board of trustees
 2999 shall adopt policies and procedures for the collection of and
 3000 accounting for the expenditure of the block tuition. All funds
 3001 received from the block tuition shall be used only for adult
 3002 general education programs. Students enrolled in adult general
 3003 education programs may not be assessed the fees authorized in
 3004 subsection (5), subsection (6), or subsection (7).

3005 (d) ~~Beginning with the 2008-2009 fiscal year and each year~~
 3006 ~~thereafter,~~ The tuition and the out-of-state fee per contact
 3007 hour shall increase at the beginning of each fall semester at a
 3008 rate equal to inflation, unless otherwise provided in the
 3009 General Appropriations Act. The Office of Economic and
 3010 Demographic Research shall report the rate of inflation to the
 3011 President of the Senate, the Speaker of the House of
 3012 Representatives, the Governor, and the State Board of Education
 3013 each year prior to March 1. For purposes of this paragraph, the
 3014 rate of inflation shall be defined as the rate of the 12-month
 3015 percentage change in the Consumer Price Index for All Urban
 3016 Consumers, U.S. City Average, All Items, or successor reports as

3-00935A-14 20141226__

3017 reported by the United States Department of Labor, Bureau of
3018 Labor Statistics, or its successor for December of the previous
3019 year. In the event the percentage change is negative, the
3020 tuition and out-of-state fee shall remain at the same level as
3021 the prior fiscal year.

3022 (e) Each district school board and each Florida College
3023 System institution board of trustees may adopt tuition and out-
3024 of-state fees that ~~may~~ vary no more than 5 percent below or ~~and~~
3025 5 percent above the combined total of the standard tuition and
3026 out-of-state fees established in paragraph (c).

3027 ~~(f) The maximum increase in resident tuition for any school~~
3028 ~~district or Florida College System institution during the 2007-~~
3029 ~~2008 fiscal year shall be 5 percent over the tuition charged~~
3030 ~~during the 2006-2007 fiscal year.~~

3031 (f)(g) The State Board of Education may adopt, by rule, the
3032 definitions and procedures that district school boards and
3033 Florida College System institution boards of trustees shall use
3034 in the calculation of cost borne by students.

3035 Section 80. Paragraph (a) of subsection (1) of section
3036 1009.40, Florida Statutes, is amended to read:

3037 1009.40 General requirements for student eligibility for
3038 state financial aid awards and tuition assistance grants.—

3039 (1) (a) The general requirements for eligibility of students
3040 for state financial aid awards and tuition assistance grants
3041 consist of the following:

3042 1. Achievement of the academic requirements of and
3043 acceptance at a state university or Florida College System
3044 institution; a nursing diploma school approved by the Florida
3045 Board of Nursing; a Florida college or university which is

3-00935A-14 20141226__

3046 accredited by an accrediting agency recognized by the State
3047 Board of Education; a ~~any~~ Florida institution the credits of
3048 which are acceptable for transfer to state universities; a ~~any~~
3049 career center; or a ~~any~~ private career institution accredited by
3050 an accrediting agency recognized by the State Board of
3051 Education.

3052 2. Residency in this state for no less than 1 year
3053 preceding the award of aid or a tuition assistance grant for a
3054 program established pursuant to s. 1009.50, s. 1009.505, s.
3055 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.56~~, s. 1009.60, s.
3056 1009.62, s. 1009.72, s. 1009.73, s. 1009.77, s. 1009.89, or s.
3057 1009.891. Residency in this state must be for purposes other
3058 than to obtain an education. Resident status for purposes of
3059 receiving state financial aid awards shall be determined in the
3060 same manner as resident status for tuition purposes pursuant to
3061 s. 1009.21.

3062 3. Submission of certification attesting to the accuracy,
3063 completeness, and correctness of information provided to
3064 demonstrate a student's eligibility to receive state financial
3065 aid awards or tuition assistance grants. Falsification of such
3066 information shall result in the denial of a ~~any~~ pending
3067 application and revocation of an ~~any~~ award or grant currently
3068 held to the extent that no further payments shall be made.
3069 Additionally, students who knowingly make false statements in
3070 order to receive state financial aid awards or tuition
3071 assistance grants commit a misdemeanor of the second degree
3072 subject to the provisions of s. 837.06 and shall be required to
3073 return all state financial aid awards or tuition assistance
3074 grants wrongfully obtained.

3-00935A-14 20141226__

3075 Section 81. Subsection (1) of section 1009.531, Florida
3076 Statutes, is amended to read:

3077 1009.531 Florida Bright Futures Scholarship Program;
3078 student eligibility requirements for initial awards.-

3079 (1) ~~Effective January 1, 2008,~~ In order to be eligible for
3080 an initial award from any of the three types of scholarships
3081 under the Florida Bright Futures Scholarship Program, a student
3082 must:

3083 (a) Be a Florida resident as defined in s. 1009.40 and
3084 rules of the State Board of Education.

3085 (b) Earn a standard Florida high school diploma pursuant to
3086 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282 or a high school
3087 equivalency diploma ~~its equivalent~~ pursuant to ~~s. 1003.428, s.~~
3088 ~~1003.4281, s. 1003.4282, or~~ s. 1003.435 unless:

3089 1. The student completes a home education program according
3090 to s. 1002.41; or

3091 2. The student earns a high school diploma from a non-
3092 Florida school while living with a parent or guardian who is on
3093 military or public service assignment away from Florida.

3094 (c) Be accepted by and enroll in an eligible Florida public
3095 or independent postsecondary education institution.

3096 (d) Be enrolled for at least 6 semester credit hours or the
3097 equivalent in quarter hours or clock hours.

3098 (e) Not have been found guilty of, or entered a plea of
3099 nolo contendere to, a felony charge, unless the student has been
3100 granted clemency by the Governor and Cabinet sitting as the
3101 Executive Office of Clemency.

3102 (f) Apply for a scholarship from the program by high school
3103 graduation. However, a student who graduates from high school

Page 107 of 121

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3-00935A-14 20141226__

3104 midyear must apply no later than August 31 of the student's
3105 graduation year in order to be evaluated for and, if eligible,
3106 receive an award for the current academic year.

3107 Section 82. Paragraph (c) of subsection (3) of section
3108 1009.532, Florida Statutes, is amended to read:

3109 1009.532 Florida Bright Futures Scholarship Program;
3110 student eligibility requirements for renewal awards.-

3111 (3)

3112 (c) A student who is initially eligible in the 2012-2013
3113 academic year and thereafter may receive an award for a maximum
3114 of 100 percent of the number of credit hours required to
3115 complete an associate degree program, a baccalaureate degree
3116 program, or a postsecondary career certificate program or, for a
3117 Florida Gold Seal Vocational Scholars award, may receive an
3118 award for a maximum of 100 percent of the number of credit hours
3119 or equivalent clock hours required to complete one of the
3120 following at a Florida public or nonpublic education institution
3121 that offers these specific programs: for an applied technology
3122 diploma program as defined in s. 1004.02(7) ~~1004.02(8)~~, up to 60
3123 credit hours or equivalent clock hours; for a technical degree
3124 education program as defined in s. 1004.02(13) ~~1004.02(14)~~, up
3125 to the number of hours required for a specific degree not to
3126 exceed 72 credit hours or equivalent clock hours; or for a
3127 career certificate program as defined in s. 1004.02(20)
3128 ~~1004.02(21)~~, up to the number of hours required for a specific
3129 certificate not to exceed 72 credit hours or equivalent clock
3130 hours. A student who transfers from one of these program levels
3131 to another program level becomes eligible for the higher of the
3132 two credit hour limits.

Page 108 of 121

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3-00935A-14 20141226__

3133 Section 83. Paragraph (c) of subsection (4) of section
 3134 1009.536, Florida Statutes, is amended to read:
 3135 1009.536 Florida Gold Seal Vocational Scholars award.—The
 3136 Florida Gold Seal Vocational Scholars award is created within
 3137 the Florida Bright Futures Scholarship Program to recognize and
 3138 reward academic achievement and career preparation by high
 3139 school students who wish to continue their education.
 3140 (4)
 3141 (c) A student who is initially eligible in the 2012-2013
 3142 academic year and thereafter may earn a Florida Gold Seal
 3143 Vocational Scholarship for a maximum of 100 percent of the
 3144 number of credit hours or equivalent clock hours required to
 3145 complete one of the following at a Florida public or nonpublic
 3146 education institution that offers these specific programs: for
 3147 an applied technology diploma program as defined in s.
 3148 1004.02(7) ~~1004.02(8)~~, up to 60 credit hours or equivalent clock
 3149 hours; for a technical degree education program as defined in s.
 3150 1004.02(13) ~~1004.02(14)~~, up to the number of hours required for
 3151 a specific degree not to exceed 72 credit hours or equivalent
 3152 clock hours; or for a career certificate program as defined in
 3153 s. 1004.02(20) ~~1004.02(21)~~, up to the number of hours required
 3154 for a specific certificate not to exceed 72 credit hours or
 3155 equivalent clock hours.
 3156 Section 84. Section 1009.56, Florida Statutes, is repealed.
 3157 Section 85. Section 1009.69, Florida Statutes, is repealed.
 3158 Section 86. Subsection (1) of section 1009.91, Florida
 3159 Statutes, is amended to read:
 3160 1009.91 Assistance programs and activities of the
 3161 department.—

Page 109 of 121

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3-00935A-14 20141226__

3162 (1) The department may contract for the administration of
 3163 the student financial assistance programs as specifically
 3164 provided in ss. 295.01, 1009.29, ~~1009.56~~, and 1009.78.
 3165 Section 87. Paragraph (c) of subsection (2) of section
 3166 1009.94, Florida Statutes, is amended to read:
 3167 1009.94 Student financial assistance database.—
 3168 (2) For purposes of this section, financial assistance
 3169 includes:
 3170 (c) Any financial assistance provided under s. 1009.50, s.
 3171 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, ~~s.~~
 3172 ~~1009.56~~, s. 1009.60, s. 1009.62, s. 1009.70, s. 1009.701, s.
 3173 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s.
 3174 1009.891.
 3175 Section 88. Part V of chapter 1009, Florida Statutes,
 3176 consisting of sections 1009.99, 1009.991, 1009.992, 1009.993,
 3177 1009.994, 1009.995, 1009.996, 1009.9965, 1009.997, 1009.9975,
 3178 1009.9976, 1009.9977, 1009.9978, 1009.9979, 1009.998, 1009.9981,
 3179 1009.9982, 1009.9983, 1009.9984, 1009.9985, 1009.9986,
 3180 1009.9987, 1009.9988, 1009.9989, 1009.9990, 1009.9991,
 3181 1009.9992, 1009.9993, and 1009.9994, is repealed.
 3182 Section 89. Paragraphs (b) and (c) of subsection (3) of
 3183 section 1011.71, Florida Statutes, are repealed.
 3184 Section 90. Subsection (4) of section 1011.76, Florida
 3185 Statutes, is repealed.
 3186 Section 91. Paragraph (b) of subsection (1) of section
 3187 1011.80, Florida Statutes, is amended to read:
 3188 1011.80 Funds for operation of workforce education
 3189 programs.—
 3190 (1) As used in this section, the terms "workforce

Page 110 of 121

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3-00935A-14 20141226__

3191 education" and "workforce education program" include:

3192 (b) Career certificate programs, as defined in s.

3193 1004.02(20) ~~1004.02(21)~~.

3194 Section 92. Paragraphs (b), (f), (j), (m), and (p) of

3195 subsection (2) and subsection (6) of section 1012.05, Florida

3196 Statutes, are amended to read:

3197 1012.05 Teacher recruitment and retention.—

3198 (2) The Department of Education shall:

3199 (b) Advertise in major newspapers, national professional

3200 publications, and other professional publications and in public

3201 and nonpublic postsecondary educational institutions, if needed.

3202 (f) Develop and distribute promotional materials related to

3203 teaching as a career, if needed.

3204 ~~(j) Develop, in consultation with school district staff~~

3205 ~~including, but not limited to, district school superintendents,~~

3206 ~~district school board members, and district human resources~~

3207 ~~personnel, a long-range plan for educator recruitment and~~

3208 ~~retention.~~

3209 ~~(m) Develop and implement a First Response Center to~~

3210 ~~provide educator candidates one-stop shopping for information on~~

3211 ~~teaching careers in Florida and establish the Teacher Lifeline~~

3212 ~~Network to provide online support to beginning teachers and~~

3213 ~~those needing assistance.~~

3214 (n) ~~(p)~~ Notify each teacher, via e-mail, of each item in the

3215 General Appropriations Act and legislation that affects

3216 teachers, including, but not limited to, ~~the Excellent Teaching~~

3217 ~~Program~~, the Florida Teachers Classroom Supply Assistance

3218 Program, ~~liability insurance protection for teachers~~, death

3219 benefits for teachers, substantive legislation, rules of the

Page 111 of 121

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3-00935A-14 20141226__

3220 State Board of Education, and issues concerning student

3221 achievement.

3222 ~~(6) The Commissioner of Education shall take steps that~~

3223 ~~provide flexibility and consistency in meeting the highly~~

3224 ~~qualified teacher criteria as defined in the No Child Left~~

3225 ~~Behind Act of 2001 through a High, Objective, Uniform State~~

3226 ~~Standard of Evaluation (HOUSSE).~~

3227 Section 93. Paragraph (b) of subsection (1) of section

3228 1012.22, Florida Statutes, is amended to read:

3229 1012.22 Public school personnel; powers and duties of the

3230 district school board.—The district school board shall:

3231 (1) Designate positions to be filled, prescribe

3232 qualifications for those positions, and provide for the

3233 appointment, compensation, promotion, suspension, and dismissal

3234 of employees as follows, subject to the requirements of this

3235 chapter:

3236 (b) *Time to act on nominations.*—The district school board

3237 shall act no not later than 3 weeks following the receipt of

3238 statewide, standardized assessment scores and data under s.

3239 1008.22 and, ~~including~~ school grades, or June 30, whichever is

3240 later, on the district school superintendent's nominations of

3241 supervisors, principals, and members of the instructional staff.

3242 Section 94. Subsection (9) of section 1012.33, Florida

3243 Statutes, is repealed.

3244 Section 95. Paragraph (b) of subsection (1), paragraph (a)

3245 of subsection (3), and subsection (6) of section 1012.34,

3246 Florida Statutes, are amended to read:

3247 1012.34 Personnel evaluation procedures and criteria.—

3248 (1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

Page 112 of 121

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3-00935A-14

20141226__

3249 (b) The department must approve each school district's
 3250 instructional personnel and school administrator evaluation
 3251 systems. The department shall monitor each district's
 3252 implementation of its instructional personnel and school
 3253 administrator evaluation systems for compliance with the
 3254 requirements of this section and s. 1012.3401.

3255 (3) EVALUATION PROCEDURES AND CRITERIA.—Instructional
 3256 personnel and school administrator performance evaluations must
 3257 be based upon the performance of students assigned to their
 3258 classrooms or schools, as provided in this section. Pursuant to
 3259 this section, a school district's performance evaluation is not
 3260 limited to basing unsatisfactory performance of instructional
 3261 personnel and school administrators solely upon student
 3262 performance, but may include other criteria approved to evaluate
 3263 instructional personnel and school administrators' performance,
 3264 or any combination of student performance and other approved
 3265 criteria. Evaluation procedures and criteria must comply with,
 3266 but are not limited to, the following:

3267 (a) A performance evaluation must be conducted for each
 3268 employee at least once a year, except that a classroom teacher,
 3269 as defined in s. 1012.01(2)(a), excluding substitute teachers,
 3270 who is newly hired by the district school board must be observed
 3271 and evaluated at least twice in the first year of teaching in
 3272 the school district. The performance evaluation must be based
 3273 upon sound educational principles and contemporary research in
 3274 effective educational practices. The evaluation criteria must
 3275 include:

3276 1. Performance of students.—At least 50 percent of a
 3277 performance evaluation must be based upon data and indicators of

Page 113 of 121

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3-00935A-14

20141226__

3278 student learning growth assessed annually by statewide
 3279 assessments or, for subjects and grade levels not measured by
 3280 statewide assessments, by school district assessments as
 3281 provided in s. 1008.22(6) ~~1008.22(8)~~. Each school district must
 3282 use the formula adopted pursuant to paragraph (7)(a) for
 3283 measuring student learning growth in all courses associated with
 3284 statewide assessments and must select an equally appropriate
 3285 formula for measuring student learning growth for all other
 3286 grades and subjects, except as otherwise provided in subsection
 3287 (7).

3288 a. For classroom teachers, as defined in s. 1012.01(2)(a),
 3289 excluding substitute teachers, the student learning growth
 3290 portion of the evaluation must include growth data for students
 3291 assigned to the teacher over the course of at least 3 years. If
 3292 less than 3 years of data are available, the years for which
 3293 data are available must be used and the percentage of the
 3294 evaluation based upon student learning growth may be reduced to
 3295 not less than 40 percent.

3296 b. For instructional personnel who are not classroom
 3297 teachers, the student learning growth portion of the evaluation
 3298 must include growth data on statewide assessments for students
 3299 assigned to the instructional personnel over the course of at
 3300 least 3 years, or may include a combination of student learning
 3301 growth data and other measurable student outcomes that are
 3302 specific to the assigned position, provided that the student
 3303 learning growth data accounts for not less than 30 percent of
 3304 the evaluation. If less than 3 years of student growth data are
 3305 available, the years for which data are available must be used
 3306 and the percentage of the evaluation based upon student learning

Page 114 of 121

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3-00935A-14 20141226__

3307 growth may be reduced to not less than 20 percent.

3308 c. For school administrators, the student learning growth
3309 portion of the evaluation must include growth data for students
3310 assigned to the school over the course of at least 3 years. If
3311 less than 3 years of data are available, the years for which
3312 data are available must be used and the percentage of the
3313 evaluation based upon student learning growth may be reduced to
3314 not less than 40 percent.

3315 2. Instructional practice.—Evaluation criteria used when
3316 annually observing classroom teachers, as defined in s.
3317 1012.01(2)(a), excluding substitute teachers, must include
3318 indicators based upon each of the Florida Educator Accomplished
3319 Practices adopted by the State Board of Education. For
3320 instructional personnel who are not classroom teachers,
3321 evaluation criteria must be based upon indicators of the Florida
3322 Educator Accomplished Practices and may include specific job
3323 expectations related to student support.

3324 3. Instructional leadership.—For school administrators,
3325 evaluation criteria must include indicators based upon each of
3326 the leadership standards adopted by the State Board of Education
3327 under s. 1012.986, including performance measures related to the
3328 effectiveness of classroom teachers in the school, the
3329 administrator's appropriate use of evaluation criteria and
3330 procedures, recruitment and retention of effective and highly
3331 effective classroom teachers, improvement in the percentage of
3332 instructional personnel evaluated at the highly effective or
3333 effective level, and other leadership practices that result in
3334 student learning growth. The system may include a means to give
3335 parents and instructional personnel an opportunity to provide

3-00935A-14 20141226__

3336 input into the administrator's performance evaluation.

3337 4. Professional and job responsibilities.—For instructional
3338 personnel and school administrators, other professional and job
3339 responsibilities must be included as adopted by the State Board
3340 of Education. The district school board may identify additional
3341 professional and job responsibilities.

3342 (6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT
3343 EVALUATION SYSTEMS.—The district school board shall establish a
3344 procedure for annually reviewing instructional personnel and
3345 school administrator evaluation systems to determine compliance
3346 with this section and s. 1012.3401. All substantial revisions to
3347 an approved system must be reviewed and approved by the district
3348 school board before being used to evaluate instructional
3349 personnel or school administrators. Upon request by a school
3350 district, the department shall provide assistance in developing,
3351 improving, or reviewing an evaluation system.

3352 Section 96. Section 1012.44, Florida Statutes, is amended
3353 to read:

3354 1012.44 Qualifications for certain persons providing
3355 speech-language services.—The State Board of Education shall
3356 adopt rules for speech-language services to school districts
3357 that qualify for the sparsity supplement as described in s.
3358 1011.62(7). These services may be provided by baccalaureate
3359 degree level persons for a period of 3 years. The rules shall
3360 authorize the delivery of speech-language services by
3361 baccalaureate degree level persons under the direction of a
3362 certified speech-language pathologist with a master's degree or
3363 higher. ~~By October 1, 2003, these rules shall be reviewed by the~~
3364 ~~State Board of Education.~~

3-00935A-14

20141226__

3365 Section 97. Section 1012.561, Florida Statutes, is amended
3366 to read:

3367 1012.561 Address of record.—Each certified educator or
3368 applicant for certification is solely responsible for
3369 maintaining his or her current address with the Department of
3370 Education and for notifying the department in writing of a
3371 change of address. ~~By January 1, 2005, each educator and~~
3372 ~~applicant for certification must have on file with the~~
3373 ~~department a current mailing address. Thereafter,~~ A certified
3374 educator or applicant for certification who is employed by a
3375 district school board shall notify his or her employing school
3376 district within 10 days after a change of address. At a minimum,
3377 the employing district school board shall notify the department
3378 monthly of the addresses of the certified educators or
3379 applicants for certification in the manner prescribed by the
3380 department. A certified educator or applicant for certification
3381 who is not employed by a district school board shall personally
3382 notify the department in writing within 30 days after a change
3383 of address. The department shall permit electronic notification;
3384 however, it is the responsibility of the certified educator or
3385 applicant for certification to ensure that the department has
3386 received the electronic notification.

3387 Section 98. Section 1012.595, Florida Statutes, is
3388 repealed.

3389 Section 99. Subsections (2), (3), and (4) of section
3390 1012.885, Florida Statutes, are amended to read:

3391 1012.885 Remuneration of Florida College System institution
3392 presidents; limitations.—

3393 ~~(2) LIMITATION ON COMPENSATION.—Notwithstanding any other~~

Page 117 of 121

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3-00935A-14

20141226__

3394 ~~law, resolution, or rule to the contrary, a Florida College~~
3395 ~~System institution president may not receive more than \$225,000~~
3396 ~~in remuneration annually from appropriated state funds. Only~~
3397 ~~compensation, as defined in s. 121.021(22), provided to a~~
3398 ~~Florida College System institution president may be used in~~
3399 ~~calculating benefits under chapter 121.~~

3400 (2)(3) EXCEPTIONS.—This section does not prohibit a any
3401 party from providing cash or cash-equivalent compensation from
3402 funds that are not appropriated state funds to a Florida College
3403 System institution president in excess of the limit in
3404 subsection (3) ~~(2)~~. If a party is unable or unwilling to fulfill
3405 an obligation to provide cash or cash-equivalent compensation to
3406 a Florida College System institution president as permitted
3407 under this subsection, appropriated state funds may not be used
3408 to fulfill such obligation.

3409 (3)(4) LIMITATION ON REMUNERATION.—Notwithstanding a law,
3410 resolution, or rule to the contrary ~~the provisions of this~~
3411 ~~section~~, a Florida College System institution president may not
3412 receive more than \$200,000 in remuneration from appropriated
3413 state funds. Only compensation, as defined in s. 121.021(22),
3414 provided to a Florida College System institution president may
3415 be used in calculating benefits under chapter 121.

3416 Section 100. Subsections (2), (3), and (4) of section
3417 1012.975, Florida Statutes, are amended to read:

3418 1012.975 Remuneration of state university presidents;
3419 limitations.—

3420 ~~(2) LIMITATION ON COMPENSATION.—Notwithstanding any other~~
3421 ~~law, resolution, or rule to the contrary, a state university~~
3422 ~~president may not receive more than \$225,000 in remuneration~~

Page 118 of 121

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3-00935A-14 20141226__

3423 ~~annually from public funds. Only compensation, as such term is~~
 3424 ~~defined in s. 121.021(22), provided to a state university~~
 3425 ~~president may be used in calculating benefits under chapter 121.~~
 3426 (2)(3) EXCEPTIONS.—This section does not prohibit a any
 3427 party from providing cash or cash-equivalent compensation from
 3428 funds that are not public funds to a state university president
 3429 in excess of the limit in subsection (3) (2). If a party is
 3430 unable or unwilling to fulfill an obligation to provide cash or
 3431 cash-equivalent compensation to a state university president as
 3432 permitted under this subsection, public funds may not be used to
 3433 fulfill such obligation.

(3)(4) LIMITATION ON REMUNERATION.—Notwithstanding a law,
 3435 resolution, or rule to the contrary the provisions of this
 3436 ~~section~~, a state university president may not receive more than
 3437 \$200,000 in remuneration from public funds. Only compensation,
 3438 as defined in s. 121.021(22), provided to a state university
 3439 president may be used in calculating benefits under chapter 121.

Section 101. Subsection (12) of section 1012.98, Florida
 3440 Statutes, is amended to read:
 3441 1012.98 School Community Professional Development Act.—
 3442 (12) The department shall require teachers in grades K-12
 3443 ~~1-12~~ to participate in continuing education training provided by
 3444 the Department of Children and Family Services on identifying
 3445 and reporting child abuse and neglect.

Section 102. Paragraph (f) of subsection (2) of section
 3446 1013.35, Florida Statutes, is amended to read:
 3447 1013.35 School district educational facilities plan;
 3448 definitions; preparation, adoption, and amendment; long-term
 3449 work programs.—
 3450
 3451

3-00935A-14 20141226__

3452 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
 3453 FACILITIES PLAN.—
 3454 (f) Not less than once every 5 years, the district school
 3455 board shall have an a financial management and performance audit
 3456 conducted of the district's educational planning and
 3457 construction activities ~~of the district~~. An operational audit
 3458 conducted by ~~the Office of Program Policy Analysis and~~
 3459 ~~Government Accountability and~~ the Auditor General pursuant to s.
 3460 11.45 1008.35 satisfies this requirement.

Section 103. Section 1013.47, Florida Statutes, is amended
 3461 to read:
 3462 1013.47 Substance of contract; contractors to give bond;
 3463 penalties.—Each board shall develop contracts consistent with
 3464 this chapter and statutes governing public facilities. Such a
 3465 contract must contain the drawings and specifications of the
 3466 work to be done and the material to be furnished, the time limit
 3467 in which the construction is to be completed, the time and
 3468 method by which payments are to be made upon the contract, and
 3469 the penalty to be paid by the contractor for a any failure to
 3470 comply with the terms of the contract. The board may require the
 3471 contractor to pay a penalty for any failure to comply with the
 3472 terms of the contract and may provide an incentive for early
 3473 completion. Upon accepting a satisfactory bid, the board shall
 3474 enter into a contract with the party or parties whose bid has
 3475 been accepted. The contractor shall furnish the board with a
 3476 performance and payment bond as set forth in s. 255.05. A board
 3477 or other public entity may not require a contractor to secure a
 3478 surety bond under s. 255.05 from a specific agent or bonding
 3479 company. ~~Notwithstanding any other provision of this section, if~~
 3480

3-00935A-14

20141226__

3481 ~~25 percent or more of the costs of any construction project is~~
3482 ~~paid out of a trust fund established pursuant to 31 U.S.C. s.~~
3483 ~~1243(a)(1), laborers and mechanics employed by contractors or~~
3484 ~~subcontractors on such construction will be paid wages not less~~
3485 ~~than those prevailing on similar construction projects in the~~
3486 ~~locality, as determined by the Secretary of Labor in accordance~~
3487 ~~with the Davis-Bacon Act, as amended. A person, firm, or~~
3488 corporation that constructs any part of any educational plant,
3489 or addition thereto, on the basis of any unapproved plans or in
3490 violation of any plans approved in accordance with the
3491 provisions of this chapter and rules of the State Board of
3492 Education or regulations of the Board of Governors relating to
3493 building standards or specifications is subject to forfeiture of
3494 the surety bond and unpaid compensation in an amount sufficient
3495 to reimburse the board for any costs that will need to be
3496 incurred in making any changes necessary to assure that all
3497 requirements are met and is also guilty of a misdemeanor of the
3498 second degree, punishable as provided in s. 775.082 or s.
3499 775.083, for each separate violation.

3500 Section 104. Section 1013.49, Florida Statutes, is
3501 repealed.

3502 Section 105. Section 1013.512, Florida Statutes, is
3503 repealed.

3504 Section 106. Section 1013.54, Florida Statutes, is
3505 repealed.

3506 Section 107. Section 20 of chapter 2010-24, Laws of
3507 Florida, is repealed.

3508 Section 108. This act shall take effect upon becoming a
3509 law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/14
Meeting Date

Topic SB 1226

Bill Number SB 1226
(if applicable)

Name Tanya Cooper

Amendment Barcode N/A
(if applicable)

Job Title Director, Governmental Relations

Address 325 W. Gaines street

Phone 850-245-9633

Tallahassee FL 32399
Street City State Zip

E-mail tanya.cooper@fldoe.org

Speaking: For Against Information

Representing DOE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-18-14

Meeting Date

Topic Waive in support

Bill Number 1226
(if applicable)

Name Ashley Spicola

Amendment Barcode _____
(if applicable)

Job Title Education Policy Chief

Address The Capitol

Phone 717-9507

Street

Tallahassee

FL

32399

City

State

Zip

E-mail ashley.spicola@laspbs.state.fl.us

Speaking: For Against Information

Representing Governor's Office

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: SB 1382

INTRODUCER: Senator Hays

SUBJECT: Hazardous Walking Conditions

DATE: March 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Letarte	Klebacha	ED	Pre-meeting
2.			CA	
3.			AP	

I. Summary:

SB 1382 requires school boards to address, correct, and plan for all public schools in the district, including schools in operation before current safety requirements went into effect, to comply with safety requirements that address hazardous walking conditions for students. The bill creates a new hazardous walking condition category regarding “crossings over the road” and provides that the determination that a hazardous walking condition exists may not be used as evidence in a civil action for damages against a governmental entity.

Specifically, the bill:

- Requires a district school board and other governmental entities to identify and correct hazardous walking conditions within a two-mile radius of a school.
- Requires correction of a hazardous condition within three years of the determination that such a hazard exists or within five years if more time is necessary to remedy the condition.
- Requires the state or local government with jurisdiction over the road containing the hazardous condition to state whether the correction of the condition will be included in the next five-year capital improvement program within 90 days of receiving the district school superintendent’s request for a position statement and written justification if the correction is not included in the improvement program.
- Requires the state or local entity responsible for correcting such a hazard to reimburse the district school board, until the hazard is corrected, for the cost of student transportation services if the hazard is not remedied by the expected completion date and state funds are not available for continued transportation services for students.
- Requires specific governmental representatives to participate in the determination of whether a hazardous walking condition exists based upon which entity has jurisdiction over the affected road.
- Allows the district school board to initiate an administrative hearing to determine whether a hazardous walking condition exists.

- Adds certain conditions relating to “crossings over the road” as being hazardous walking conditions.
- Provides that the determination of a hazardous walking condition cannot be admitted as evidence in a negligence claim against a governmental entity under s. 768.28, F.S.

The bill takes effect on July 1, 2014.

II. Present Situation:

Section 1006.23, F.S., states legislative intent language requiring district school boards to provide transportation to students¹ who would be subjected to hazardous walking conditions along a student’s route to school.² In 1981, the law was amended to require district school boards to provide transportation services to students subjected to hazardous walking conditions within two miles from the nearest appropriate school.³ The “hazardous walking conditions” section of law used to identify such conditions, and students within two miles of a school who may need transportation, was created in 1981.⁴ Since 1981, district school boards and state or local government entities have been required to work cooperatively to identify potential hazardous walking conditions within a two-mile radius of a school, make final determinations on the condition, and the state or local governmental entity with jurisdiction has been, and is currently required, to correct such hazardous conditions within a reasonable period of time.⁵

Hazardous Walking Conditions

Hazardous walking conditions are identified under s. 1006.23, F.S. Specifically, the hazardous conditions are broken down into dangers associated with walking parallel to a road and dangers associated with having to cross, and walk perpendicular to, a road in certain circumstances.

A hazardous walking condition exists regarding walkways *parallel* to a road when:

- There is less than a four-foot wide area adjacent to the road surface on a student’s walking route to and from school.⁶
- A road that a student walks along is “uncurbed and has a posted speed limit of 55 miles per hour” and the area the student walks in is less than three feet from the road.⁷

However, the aforementioned scenarios are not hazardous walking conditions if:

- The area is residential and has little to no transient traffic.⁸

¹ Section 1006.23(1), F.S. (defining a “student” as “any public elementary school student whose grade level does not exceed grade 6”).

² School districts are also responsible for providing transportation to other students under s. 1006.21(3), F.S.

³ Section 234.01, F.S. (1981); s. 1, ch. 81-254, L.O.F.

⁴ Section 234.021, F.S. (1981); s. 2, ch. 81-254, L.O.F.

⁵ Section 1006.23(2)(a), F.S. (2013); s. 2, ch. 81-254, L.O.F.

⁶ Section 1006.23, (4)(a)1., F.S.

⁷ *Id.*

⁸ Section 1006.23(4)(a)2.a., F.S.

- The traffic volume⁹ of the road is less than 180 vehicles per hour, per direction at the time that a student would be walking to and from school.¹⁰
- The road is in a residential area that has a posted speed limit of 30 miles per hour or less.¹¹

A hazardous walking condition exists regarding walkways *perpendicular* to a road when:

- The traffic volume exceeds 360 vehicles per hour, per direction on a road that a student has to walk to and from school and the crossing area is an uncontrolled crossing site.¹²
- The total traffic volume of a road exceeds 4,000 vehicles per hour through an intersection or crossing area controlled by a stop sign or other traffic signal, unless a crossing guard or traffic enforcement officer is present at the time a student would be walking to and from school.¹³

When a request to review a perceived hazardous walking condition within a two-mile radius of a school is made to the district school superintendent (or the district school superintendent's designee), the condition must be inspected by a school district representative and a state or local governmental entity representative.¹⁴ The school district superintendent, or designee, and the state or local governmental entity representative make the final determination as to whether the condition is a hazardous walking condition and makes a report to the Department of Education.¹⁵

Upon determination that a hazardous walking condition exists, the district school board must ask the state or local governmental entity if the condition will be corrected and, if so, the estimated completion date.¹⁶ State funds must be provided to transport students who would encounter the hazardous walking condition until the condition is corrected or the projected completion date arrives, whichever is sooner.¹⁷

III. Effect of Proposed Changes:

SB 1382 requires school boards to address, correct, and plan for all public schools in the district, including schools in operation before current safety requirements went into effect, to comply with safety requirements that address hazardous walking conditions for students. The bill creates a new hazardous walking condition category regarding "crossings over the road" and provides that the determination that a hazardous walking condition exists may not be used as evidence in a civil action for damages against a governmental entity.

⁹ Traffic volume is determined by the most recent state or local government agency traffic engineering study. Section 1006.23, F.S.

¹⁰ Section 1006.23(4)(a)2.b., F.S.

¹¹ Section 1006.23(4)(a)2.c., F.S.

¹² Section 1006.23(4)(b)1., F.S. An "uncontrolled crossing site" is defined as "an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, or stop sign, or other traffic control signal is present during the times students walk to and from school." *Id.*

¹³ Section 1006.23(4)(b)2., F.S.

¹⁴ Section 1006.23(3), F.S.

¹⁵ *Id.* The school district is required to file the Hazardous Walking Conditions Report for Elementary Students within 2 Miles of Assigned School with the Deputy Commissioner for Finance and Operations. Rule 6A-3.0171(9)(b)2., F.A.C. The Hazardous Walking Conditions Report is required to be filed no later than the end of the full-time equivalent student survey period to claim hazardous walking funding. Florida Department of Education, *Student Transportation General Instructions 2013-2014*, available at <http://www.fldoe.org/fefp/pdf/1314TransIns.pdf>.

¹⁶ Section 1006.23(2)(b), F.S.

¹⁷ *Id.*

In contrast to current law, which requires that a hazardous condition be corrected within a reasonable period of time,¹⁸ the bill requires a district school board and local governmental entity to correct a hazardous walking condition within three years after it is determined that such a condition exists. If a longer period of time is reasonably necessary to correct the condition, the time period for correction may be increased to five years from the determination that a hazardous walking condition exists.

Current law requires that a district school board request a determination from the applicable governmental entity as to whether the hazardous condition will be corrected and, if so, the anticipated completion date for the correction.¹⁹ The bill requires that the superintendent (as opposed to the district school board in current law) request a position statement from the applicable governmental entity. The bill creates a new requirement that, within 90 days of receiving the request, the applicable governmental entity must inform the superintendent as to whether the hazardous walking condition is in its next annual five-year capital improvements program and when the condition will be corrected. Current law does not provide requirements for a situation where a hazardous condition will not be corrected, however, the bill addresses such a situation. The bill states that if correction of a hazardous walking condition is not included in the governmental entity's next five-year capital improvements plan, the entity must provide written justification for the decision to the district school superintendent and the Department of Education (DOE), which allows the superintendent and DOE to know that the condition will not be remedied and the reasons for not correcting the condition.

The bill requires that transportation funds for students affected by the hazardous walking conditions be provided during the determination and correction of the hazardous condition or, in the case of a local governmental entity, expiration of the anticipated date of correction – whichever occurs first. Current law provides for funding to cease at the same time as the bill, but does not specifically provide that funding is available during the period of time when a determination is made as to whether a hazard exists.²⁰

The bill adds a new provision that, in the event a local government entity with jurisdiction of the affected road does not correct a hazardous walking condition by the estimated correction date and state funding for transportation of affected students is no longer available, the local government entity must reimburse the district school board for the operational cost of transporting students who would be subjected to the hazardous walking condition.

The bill mandates actions of the district school superintendent when a request for review of a potentially hazardous condition is made, and removes language regarding a request being made to the superintendent's designee, which holds the superintendent accountable for taking the statutorily required steps to address a potential hazardous walking condition.

¹⁸ Section 1006.23(2)(a), F.S.

¹⁹ Section 1006.23(2)(b), F.S.

²⁰ *Id.*

Under current law, when a request for a review is made, a representative of the school district and a representative of the local or governmental entity with jurisdiction over the affected road are required to inspect a potentially hazardous walking condition.²¹ The bill specifically describes, and adds, a third party who must inspect the condition by stating that: if the affected road is a municipal road, a representative from the municipal police department is required; for a county road, a representative from the sheriff's department is required; and for a state road, a representative from the Department of Transportation is required. The bill also adds the requirement that if the jurisdiction is within an area where there is a metropolitan planning organization, a representative of that organization must be included.

Upon determination by the representatives that a hazardous walking condition exists as described in s. 1006.23, F.S., the bill states that representatives must provide a report to the district school superintendent who is required to make a formal request for correction. Current law requires that the superintendent, or his or her designee, make the determination with the local governmental entity or its representative and that the superintendent report the determination to DOE.

The bill adds new requirements in the event that the representatives are unable to reach a consensus on the determination of whether a hazardous walking condition exists. If there is no consensus, the representatives must provide this information to the district school superintendent who will make a report and recommendation to the district school board. The bill also provides language allowing the district school board to initiate an administrative proceeding, after providing 30 days' notice to the governmental entity, under the Administrative Procedure Act in Chapter 120 of the Florida Statutes to determine if a hazardous walking condition exists. Under this new provision, the district school board has the burden of proving (by the greater weight of the evidence) that a hazardous walking condition exists. Additionally, if the district school board prevails, the district school superintendent must report the outcome to DOE and formally request correction of the hazard.

The bill excludes drainage ditches, sluiceways, swales, or channels from being included in the four-foot area required for walking parallel to a road and lowers the posted speed limit that makes for a hazardous walking condition from 55 miles per hour to 50 miles per hour or greater.

Additionally, the bill allows for a residential area with little or no transient traffic to be the location of a hazardous condition where a student would be walking alongside the road, which the current statute refers to as a "parallel walkway."

The bill adds a third category of hazardous walking conditions – crossings over the road. A hazardous walking condition exists at any road and uncontrolled crossing site if the posted speed limit is 50 miles per hour or greater, or the road has six lanes of traffic or more, regardless of the speed limit.

Lastly, the bill provides a new provision relating to a civil action for damages brought against a governmental entity under s. 768.28, F.S. for negligence, and states that the determination of a hazardous walking condition under s. 1006.23, F.S. is not admissible as evidence.

²¹ Section 1006.23(3), F.S.

The bill takes effect on July 1, 2014.

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:

The governmental entity with jurisdiction over the road with an identified hazardous walking condition may incur the cost of correcting the hazardous condition and, potentially, the cost of reimbursement from a local governmental entity to a district school board for the transportation services provided to students until a hazard is corrected if it is not remedied by the specified completion date.

No agency bill analysis was available from the Florida Department of Education at the time of this analysis.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1006.23 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Hays

11-01095C-14

20141382__

A bill to be entitled

An act relating to hazardous walking conditions; amending s. 1006.23, F.S.; revising criteria that determine a hazardous walking condition for public school students; revising procedures for inspection and identification of hazardous walking conditions; authorizing an administrative proceeding in certain instances; authorizing a district school superintendent to initiate a formal request for correction of a hazardous walking condition under certain circumstances; requiring a district school board to provide transportation to students who would be subjected to hazardous walking conditions; requiring state or local governmental entities with jurisdiction over a road with a hazardous walking condition to correct the condition within a specified period of time; providing requirements for a governmental entity relating to its capital improvements program; revising provisions relating to funding for the transportation of students subjected to a hazardous walking condition; providing requirements relating to a civil action for damages; providing an effective date.

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

Section 1. Section 1006.23, Florida Statutes, is reordered and amended to read:
1006.23 Hazardous walking conditions.—

Page 1 of 7

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

11-01095C-14

20141382__

(1) DEFINITION.—As used in this section, “student” means any public elementary school student whose grade level does not exceed grade 6.

~~(4)(2)~~ TRANSPORTATION; CORRECTION OF HAZARDS.—

(a) ~~A district school board~~ It is intended that district school boards and other governmental entities shall work cooperatively to identify and correct conditions that are hazardous along student walking routes to school, and a district school board shall ~~that district school boards~~ provide transportation to students who would be subjected to such conditions. Additionally, It is further intended that state or local governmental entities with having jurisdiction over a road along which a hazardous walking condition is determined to exist shall correct the condition such hazardous conditions within 3 years after such determination, unless a longer period is reasonably required to acquire additional right-of-way needed to correct the condition, but, in any event, the condition shall be corrected within 5 years after the determination a reasonable period of time.

(b) Upon a determination pursuant to subsection (3) this section that a hazardous walking condition exists is hazardous to students, the district school superintendent board shall request a position statement with respect to correction of such condition determination from the state or local governmental entity with having jurisdiction over the road. Within 90 days after receiving such request, the state or local governmental entity shall inform the district school superintendent regarding whether the entity will include correction of the hazardous walking condition in its next annual 5-year capital improvements

Page 2 of 7

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

11-01095C-14

20141382__

59 ~~program hazard will be corrected~~ and, if so, when correction of
 60 the condition will be completed. If the hazardous walking
 61 condition will not be included in the state or local
 62 governmental entity's next annual 5-year capital improvements
 63 program, the factors justifying such conclusion must be stated
 64 in writing to the district school superintendent and the
 65 Department of Education regarding a projected completion date.

66 (c) State funds shall be allocated for the transportation
 67 of students subjected to a hazardous walking condition during
 68 the time provided for determination and correction of such
 69 condition pursuant to this section. However, ~~such hazards,~~
 70 provided that such funding shall cease upon correction of the
 71 hazardous walking condition or, for a road within the
 72 jurisdiction of a local governmental entity, expiration of the
 73 time provided for correction in this section, whichever occurs
 74 first. If a hazardous walking condition is not corrected by a
 75 local governmental entity within the time provided in this
 76 section and state funding is no longer authorized under this
 77 section, funding for the actual operational cost of
 78 transportation of students subjected to the hazardous walking
 79 condition shall be reimbursed by the local governmental entity
 80 to the district school board until the condition is corrected
 81 hazard or upon the projected completion date, whichever occurs
 82 first.

83 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.-

84 (a) When a request for review is made ~~by~~ to the district
 85 school superintendent with respect to a road over which a state
 86 or local governmental entity has jurisdiction ~~or the district~~
 87 ~~school superintendent's designee~~ concerning a condition

11-01095C-14

20141382__

88 perceived to be hazardous to students in that district who live
 89 within the 2-mile limit and who walk to school, such condition
 90 shall be inspected jointly by a representative of the school
 91 district, ~~and~~ a representative of the state or local
 92 governmental entity ~~with that has~~ jurisdiction over the
 93 perceived hazardous location, and a representative of the
 94 municipal police department for a municipal road, a
 95 representative of the sheriff's office for a county road, or a
 96 representative of the Department of Transportation for a state
 97 road. If the jurisdiction is within an area for which there is a
 98 metropolitan planning organization, a representative of that
 99 organization shall also be included. The governmental
 100 representatives shall determine whether the condition
 101 constitutes a hazardous walking condition as provided in
 102 subsection (2). If the governmental representatives concur that
 103 a condition constitutes a hazardous walking condition as
 104 provided in subsection (2), they shall report that determination
 105 in writing to the district school superintendent who shall
 106 initiate a formal request for correction as provided in
 107 subsection (4). ~~The district school superintendent or his or her~~
 108 designee and the state or local governmental entity or its
 109 representative shall then make a final determination that is
 110 mutually agreed upon regarding whether the hazardous condition
 111 meets the state criteria pursuant to this section. ~~The district~~
 112 school superintendent or his or her designee shall report this
 113 final determination to the Department.

114 (b) If the governmental representatives are unable to reach
 115 a consensus, the reasons for lack of consensus shall be reported
 116 to the district school superintendent who shall provide a report

11-01095C-14 20141382__

117 and recommendation to the district school board. The district
 118 school board may initiate an administrative proceeding under
 119 chapter 120 seeking a determination as to whether the condition
 120 constitutes a hazardous walking condition as provided in
 121 subsection (2) after providing at least 30 days' notice in
 122 writing to the local governmental entities having jurisdiction
 123 over the road of its intent to do so, unless within 30 days
 124 after such notice is provided, the local governmental entities
 125 concur in writing that the condition is a hazardous walking
 126 condition as provided in subsection (2). If an administrative
 127 proceeding is initiated under this paragraph, the district
 128 school board has the burden of proving such condition by the
 129 greater weight of evidence. If the district school board
 130 prevails, the district school superintendent shall report the
 131 outcome to the Department of Education and initiate a formal
 132 request for correction of the hazardous walking condition as
 133 provided in subsection (4).

134 ~~(2)(4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING~~
 135 ~~CONDITIONS.-~~

136 (a) *Walkways parallel to the road.-*

137 1. It shall be considered a hazardous walking condition
 138 with respect to any road along which students must walk in order
 139 to walk to and from school if there is not an area at least 4
 140 feet wide adjacent to the road, not including drainage ditches,
 141 sluiceways, swales, or channels, having a surface upon which
 142 students may walk without being required to walk on the road
 143 surface. In addition, whenever the road along which students
 144 must walk is uncurbed and has a posted speed limit of 50 55
 145 miles per hour or greater, the area as described above for

11-01095C-14 20141382__

146 students to walk upon shall be set off the road by no less than
 147 3 feet from the edge of the road.
 148 2. The provisions of subparagraph 1. do not apply when the
 149 road along which students must walk:
 150 ~~a. Is in a residential area which has little or no~~
 151 ~~transient traffic;~~
 152 ~~a.b.~~ Is a road on which the volume of traffic is less than
 153 180 vehicles per hour, per direction, during the time students
 154 walk to and from school; or
 155 ~~b.e.~~ Is located in a residential area and has a posted
 156 speed limit of 30 miles per hour or less.
 157 (b) *Walkways perpendicular to the road.-*It shall be
 158 considered a hazardous walking condition with respect to any
 159 road across which students must walk in order to walk to and
 160 from school if:
 161 1. ~~¶~~ The traffic volume on the road exceeds the rate of
 162 360 vehicles per hour, per direction (including all lanes),
 163 during the time students walk to and from school and if the
 164 crossing site is uncontrolled. For purposes of this subsection,
 165 an "uncontrolled crossing site" is an intersection or other
 166 designated crossing site where no crossing guard, traffic
 167 enforcement officer, or stop sign or other traffic control
 168 signal is present during the times students walk to and from
 169 school.
 170 2. ~~¶~~ The total traffic volume on the road exceeds 4,000
 171 vehicles per hour through an intersection or other crossing site
 172 controlled by a stop sign or other traffic control signal,
 173 unless crossing guards or other traffic enforcement officers are
 174 also present during the times students walk to and from school.

11-01095C-14

20141382__

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Traffic volume shall be determined by the most current traffic engineering study conducted by a state or local governmental agency.

(c) Crossings over the road.—It shall be considered a hazardous walking condition with respect to any road at any uncontrolled crossing site if:

1. The road has a posted speed limit of 50 miles per hour or greater; or

2. The road has six lanes or more, not including turn lanes, regardless of the speed limit.

(5) CIVIL ACTION.—In a civil action for damages brought against a governmental entity under s. 768.28, the designation of a hazardous walking condition under this section is not admissible in evidence.

Section 2. This act shall take effect July 1, 2014.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/14

Meeting Date

Topic Hazardous Walking Conditions

Bill Number SB 1382
(if applicable)

Name RYAN PADGETT

Amendment Barcode _____
(if applicable)

Job Title Asst. General Counsel

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State

Zip

Speaking: For Against Information

Representing FLORIDA LEAGUE OF CITIES

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)



581-02372C-14

Proposed Committee Substitute by the Committee on Education

A bill to be entitled

An act relating to postsecondary student tuition; amending ss. 1009.22 and 1009.23, F.S.; revising the standard tuition and out-of-state fees for workforce education postsecondary programs leading to certain certificates and diplomas and certain other programs at Florida College System institutions; deleting a provision relating to an increase in tuition and out-of-state fees at a rate equal to inflation; deleting a requirement that the Office of the Economic and Demographic Research annually report the rate of inflation to the Governor, the Legislature, and the State Board of Education; deleting the definition of the term "rate of inflation"; amending s. 1009.24, F.S.; deleting a provision related to an increase of the resident undergraduate tuition at state universities at a rate equal to inflation; deleting the requirement of the Office of the Economic and Demographic Research to annually report the rate of inflation to the Governor, the Legislature, and the Board of Governors; deleting the definition of the term "rate of inflation"; conforming provisions to changes made by the act; prohibiting a state university board of trustees from establishing or increasing the tuition differential for undergraduate courses; amending s. 1009.26, F.S.; requiring a state university, a Florida College System institution, a career center operated by a school district, or a



581-02372C-14

charter technical career center to waive undergraduate tuition for a recipient of a Purple Heart or another combat decoration superior in precedence under certain conditions; requiring a state university, a Florida College System institution, a career center operated by a school district, and a charter technical career center to waive out-of-state fees for certain students who attended a secondary school in this state; requiring a state university, a Florida College System institution, a career center operated by a school district, and a charter technical career center to report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers; requiring a state university, a Florida College System institution, a career center operated by a school district, and a charter technical career center to annually certify within its legislative budget request that the percentage of resident students enrolled systemwide is at least the same as the resident student enrollment systemwide in a specified academic year; providing that a student who is undocumented for federal immigration purposes is not eligible for state financial aid; amending s. 1009.98, F.S.; redefining the term "tuition differential"; revising the purchase date of an advance payment contract as it relates to the amount paid by the Florida Prepaid College Board to a state university on behalf of a qualified beneficiary; prohibiting the amount of the aggregate sum of



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581-02372C-14

58 registration fees, the tuition differential fee, and
59 local fees paid by the board to a state university on
60 behalf of a qualified beneficiary of an advance
61 payment contract from exceeding a certain percentage
62 of the amount charged by the state university for the
63 aggregate sum of those fees; prohibiting the amount of
64 the dormitory fees paid for by the board to a state
65 university on behalf of a qualified beneficiary of an
66 advance payment contract from exceeding a certain
67 percentage of the amount charged by the state
68 university for those fees; conforming provisions to
69 changes made by the act; prohibiting certain dependent
70 children from being denied residency classification
71 for tuition purposes based solely on a parent's
72 undocumented immigration status; providing an
73 effective date.

74
75 Be It Enacted by the Legislature of the State of Florida:

76
77 Section 1. Paragraphs (c) through (g) of subsection (3) of
78 section 1009.22, Florida Statutes, are amended to read:

79 1009.22 Workforce education postsecondary student fees.—

80 (3)

81 (c) Effective July 1, 2014 ~~2011~~, for programs leading to a
82 career certificate or an applied technology diploma, the
83 standard tuition shall be \$2.33 ~~\$2.22~~ per contact hour for
84 residents and nonresidents and the out-of-state fee shall be
85 \$6.99 ~~\$6.66~~ per contact hour. For adult general education
86 programs, a block tuition of \$45 per half year or \$30 per term



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581-02372C-14

87 shall be assessed for residents and nonresidents, and the out-
88 of-state fee shall be \$135 per half year or \$90 per term. Each
89 district school board and Florida College System institution
90 board of trustees shall adopt policies and procedures for the
91 collection of and accounting for the expenditure of the block
92 tuition. All funds received from the block tuition shall be used
93 only for adult general education programs. Students enrolled in
94 adult general education programs may not be assessed the fees
95 authorized in subsection (5), subsection (6), or subsection (7).

96 ~~(d) Beginning with the 2008-2009 fiscal year and each year~~
97 ~~thereafter, the tuition and the out of state fee per contact~~
98 ~~hour shall increase at the beginning of each fall semester at a~~
99 ~~rate equal to inflation, unless otherwise provided in the~~
100 ~~General Appropriations Act. The Office of Economic and~~
101 ~~Demographic Research shall report the rate of inflation to the~~
102 ~~President of the Senate, the Speaker of the House of~~
103 ~~Representatives, the Governor, and the State Board of Education~~
104 ~~each year prior to March 1. For purposes of this paragraph, the~~
105 ~~rate of inflation shall be defined as the rate of the 12-month~~
106 ~~percentage change in the Consumer Price Index for All Urban~~
107 ~~Consumers, U.S. City Average, All Items, or successor reports as~~
108 ~~reported by the United States Department of Labor, Bureau of~~
109 ~~Labor Statistics, or its successor for December of the previous~~
110 ~~year. In the event the percentage change is negative, the~~
111 ~~tuition and out-of-state fee shall remain at the same level as~~
112 ~~the prior fiscal year.~~

113 (d)(e) Each district school board and each Florida College
114 System institution board of trustees may adopt tuition and out-
115 of-state fees that may vary no more than 5 percent below and 5



581-02372C-14

126 percent above the combined total of the standard tuition and
127 out-of-state fees established in paragraph (c).

128 ~~(e)-(f)~~ The maximum increase in resident tuition for any
129 school district or Florida College System institution during the
130 2007-2008 fiscal year shall be 5 percent over the tuition
131 charged during the 2006-2007 fiscal year.

132 ~~(f)-(g)~~ The State Board of Education may adopt, by rule, the
133 definitions and procedures that district school boards and
134 Florida College System institution boards of trustees shall use
135 in the calculation of cost borne by students.

136 Section 2. Subsection (3) of section 1009.23, Florida
137 Statutes, is amended to read:

138 1009.23 Florida College System institution student fees.—

139 (3) (a) Effective July 1, 2014 ~~2011~~, for advanced and
140 professional, postsecondary vocational, developmental education,
141 and educator preparation institute programs, the standard
142 tuition shall be \$71.98 ~~\$68.56~~ per credit hour for residents and
143 nonresidents, and the out-of-state fee shall be \$215.94 ~~\$205.82~~
144 per credit hour.

145 (b) Effective July 1, 2014 ~~2011~~, for baccalaureate degree
146 programs, the following tuition and fee rates shall apply:

147 1. The tuition shall be \$91.79 ~~\$87.42~~ per credit hour for
148 students who are residents for tuition purposes.

149 2. The sum of the tuition and the out-of-state fee per
150 credit hour for students who are nonresidents for tuition
151 purposes shall be no more than 85 percent of the sum of the
152 tuition and the out-of-state fee at the state university nearest
153 the Florida College System institution.

154 ~~(c) Beginning with the 2008-2009 fiscal year and each year~~



581-02372C-14

155 ~~thereafter, the tuition and the out-of-state fee shall increase~~
156 ~~at the beginning of each fall semester at a rate equal to~~
157 ~~inflation, unless otherwise provided in the General~~
158 ~~Appropriations Act. The Office of Economic and Demographic~~
159 ~~Research shall report the rate of inflation to the President of~~
160 ~~the Senate, the Speaker of the House of Representatives, the~~
161 ~~Governor, and the State Board of Education each year prior to~~
162 ~~March 1. For purposes of this paragraph, the rate of inflation~~
163 ~~shall be defined as the rate of the 12-month percentage change~~
164 ~~in the Consumer Price Index for All Urban Consumers, U.S. City~~
165 ~~Average, All Items, or successor reports as reported by the~~
166 ~~United States Department of Labor, Bureau of Labor Statistics,~~
167 ~~or its successor for December of the previous year. In the event~~
168 ~~the percentage change is negative, the tuition and the out-of-~~
169 ~~state fee per credit hour shall remain at the same levels as the~~
170 ~~prior fiscal year.~~

171 Section 3. Paragraphs (a), (b), and (e) of subsection (4)
172 of section 1009.24, Florida Statutes, are amended, and paragraph
173 (g) is added to subsection (16) of that section, to read:

174 1009.24 State university student fees.—

175 (4) (a) Effective July 1, 2014 ~~2011~~, the resident
176 undergraduate tuition for lower-level and upper-level coursework
177 shall be \$103.32 per credit hour.

178 ~~(b) Beginning with the 2008-2009 fiscal year and each year~~
179 ~~thereafter, the resident undergraduate tuition per credit hour~~
180 ~~shall increase at the beginning of each fall semester at a rate~~
181 ~~equal to inflation, unless otherwise provided in the General~~
182 ~~Appropriations Act. The Office of Economic and Demographic~~
183 ~~Research shall report the rate of inflation to the President of~~



142484

581-02372C-14

174 ~~the Senate, the Speaker of the House of Representatives, the~~
175 ~~Governor, and the Board of Governors each year prior to March 1.~~
176 ~~For purposes of this paragraph, the rate of inflation shall be~~
177 ~~defined as the rate of the 12-month percentage change in the~~
178 ~~Consumer Price Index for All Urban Consumers, U.S. City Average,~~
179 ~~All Items, or successor reports as reported by the United States~~
180 ~~Department of Labor, Bureau of Labor Statistics, or its~~
181 ~~successor for December of the previous year. In the event the~~
182 ~~percentage change is negative, the resident undergraduate~~
183 ~~tuition shall remain at the same level as the prior fiscal year.~~

184 (d)(e) The sum of the activity and service, health, and
185 athletic fees a student is required to pay to register for a
186 course may shall not exceed 40 percent of the tuition
187 established in law or in the General Appropriations Act. No
188 university shall be required to lower any fee in effect on the
189 effective date of this act in order to comply with this
190 subsection. Within the 40 percent cap, universities may not
191 increase the aggregate sum of activity and service, health, and
192 athletic fees more than 5 percent per year, ~~or the same~~
193 ~~percentage increase in tuition authorized under paragraph (b),~~
194 ~~whichever is greater,~~ unless specifically authorized in law or
195 in the General Appropriations Act. A university may increase its
196 athletic fee to defray the costs associated with changing
197 National Collegiate Athletic Association divisions. Any such
198 increase in the athletic fee may exceed both the 40 percent cap
199 and the 5 percent cap imposed by this subsection. Any such
200 increase must be approved by the athletic fee committee in the
201 process outlined in subsection (12) and may not cannot exceed \$2
202 per credit hour. Notwithstanding ~~the provisions of~~ ss. 1009.534,



142484

581-02372C-14

203 1009.535, and 1009.536, that portion of any increase in an
204 athletic fee pursuant to this subsection ~~which that~~ causes the
205 sum of the activity and service, health, and athletic fees to
206 exceed the 40 percent cap or the annual increase in such fees to
207 exceed the 5 percent cap may shall not be included in
208 calculating the amount a student receives for a Florida Academic
209 Scholars award, a Florida Medallion Scholars award, or a Florida
210 Gold Seal Vocational Scholars award. Notwithstanding this
211 paragraph and subject to approval by the board of trustees, each
212 state university may is authorized to exceed the 5 percent 5-
213 percent cap on the annual increase to the aggregate sum of
214 activity and service, health, and athletic fees for the 2010-
215 2011 fiscal year. Any such increase may shall not exceed 15
216 percent or the amount required to reach the 2009-2010 fiscal
217 year statewide average for the aggregate sum of activity and
218 service, health, and athletic fees at the main campuses,
219 whichever is greater. The aggregate sum of the activity and
220 service, health, and athletic fees may shall not exceed 40
221 percent of tuition. Any increase in the activity and service
222 fee, health fee, or athletic fee must be approved by the
223 appropriate fee committee pursuant to subsection (10),
224 subsection (11), or subsection (12).

225 (16) Each university board of trustees may establish a
226 tuition differential for undergraduate courses upon receipt of
227 approval from the Board of Governors. The tuition differential
228 shall promote improvements in the quality of undergraduate
229 education and shall provide financial aid to undergraduate
230 students who exhibit financial need.

231 (g) Notwithstanding this subsection, effective July 1,



142484

581-02372C-14

232 2014, a state university board of trustees may not establish or
233 increase a tuition differential for undergraduate courses as
234 provided in this subsection.

235 Section 4. Subsection (8) of section 1009.26, Florida
236 Statutes, is amended, and subsection (12) is added to that
237 section, to read:

238 1009.26 Fee waivers.-

239 (8) A state university or Florida College System
240 institution, a career center operated by a school district under
241 s. 1001.44, or a charter technical career center shall waive
242 undergraduate tuition for each recipient of a Purple Heart or
243 another combat decoration superior in precedence who:

244 (a) Is enrolled as a full-time, part-time, or summer-school
245 student in an undergraduate program that terminates in a degree
246 or certificate;

247 (b) Is currently, and was at the time of the military
248 action that resulted in the awarding of the Purple Heart or
249 other combat decoration superior in precedence, a resident of
250 this state; and

251 (c) Submits to the state university or the Florida College
252 System institution the DD-214 form issued at the time of
253 separation from service as documentation that the student has
254 received a Purple Heart or another combat decoration superior in
255 precedence. If the DD-214 is not available, other documentation
256 may be acceptable if recognized by the United States Department
257 of Defense or the United States Department of Veterans Affairs
258 as documenting the award.

259 Such a waiver for a Purple Heart recipient or recipient of
260



142484

581-02372C-14

261 another combat decoration superior in precedence shall be
262 applicable for 110 percent of the number of required credit
263 hours of the degree or certificate program for which the student
264 is enrolled.

265 (12) (a) A state university or a Florida College System
266 institution, a career center operated by a school district under
267 s. 1001.44, or a charter technical career center shall waive
268 out-of-state fees for a student who attended a secondary school
269 in this state for 3 consecutive years immediately before
270 graduating from a high school in this state, enrolled in an
271 institution of higher education within 24 months after high
272 school graduation, submitted an official Florida high school
273 transcript as documentary evidence of attendance and graduation,
274 and who is undocumented for federal immigration purposes.

275 (b) Tuition and fees charged to a student who qualifies for
276 the out-of-state fee waiver under this subsection may not exceed
277 the tuition and fees charged to a resident student. The waiver
278 is applicable for 110 percent of the required credit hours of
279 the degree or certificate program for which the student is
280 enrolled. Each state university, Florida College System
281 institution, career center operated by a school district under
282 s. 1001.44, and charter technical career center shall report to
283 the Board of Governors and the State Board of Education,
284 respectively, the number and value of all fee waivers granted
285 annually under this subsection. The Board of Governors for the
286 state universities and the State Board of Education for Florida
287 College System institutions, career centers operated by a school
288 district under s. 1001.44, and charter technical career centers
289 shall annually certify within its legislative budget request



142484

581-02372C-14

290 that the percentage of resident students enrolled systemwide is
291 at least the same as the 2013-2014 resident student enrollment
292 systemwide. A student who is undocumented for federal
293 immigration purposes is not eligible for state financial aid
294 provided pursuant to part III of chapter 1009.

295 Section 5. Subsection (10) of section 1009.98, Florida
296 Statutes, is amended to read:

297 1009.98 Stanley G. Tate Florida Prepaid College Program.—

298 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

299 (a) As used in this subsection, the term:

300 1. "Actuarial reserve" means the amount by which the
301 expected value of the assets exceeds ~~exceed~~ the expected value
302 of the liabilities of the trust fund.

303 2. "Dormitory fees" means the fees included under advance
304 payment contracts pursuant to paragraph (2) (d).

305 3. "Fiscal year" means the fiscal year of the state
306 pursuant to s. 215.01.

307 4. "Local fees" means the fees covered by an advance
308 payment contract provided pursuant to subparagraph (2) (b) 2.

309 5. "Tuition differential" means the fee covered by advance
310 payment contracts sold pursuant to subparagraph (2) (b) 3. The
311 base rate for the tuition differential fee for the 2012-2013
312 fiscal year is established at \$37.03 per credit hour. The base
313 rate for the tuition differential in subsequent years is the
314 amount assessed paid by the board for the tuition differential
315 for the preceding year adjusted pursuant to subparagraph (b) 2.

316 (b) Effective with the 2009-2010 academic year and
317 thereafter, and notwithstanding the provisions of s. 1009.24,
318 the amount paid by the board to any state university on behalf



142484

581-02372C-14

319 of a qualified beneficiary of an advance payment contract whose
320 contract was purchased before July 1, 2024 ~~2009~~, shall be:

321 1. As to registration fees, if the actuarial reserve is
322 less than 5 percent of the expected liabilities of the trust
323 fund, the board shall pay the state universities 5.5 percent
324 above the amount assessed for registration fees in the preceding
325 fiscal year. If the actuarial reserve is between 5 percent and 6
326 percent of the expected liabilities of the trust fund, the board
327 shall pay the state universities 6 percent above the amount
328 assessed for registration fees in the preceding fiscal year. If
329 the actuarial reserve is between 6 percent and 7.5 percent of
330 the expected liabilities of the trust fund, the board shall pay
331 the state universities 6.5 percent above the amount assessed for
332 registration fees in the preceding fiscal year. If the actuarial
333 reserve is equal to or greater than 7.5 percent of the expected
334 liabilities of the trust fund, the board shall pay the state
335 universities 7 percent above the amount assessed for
336 registration fees in the preceding fiscal year, whichever is
337 greater.

338 2. As to the tuition differential, if the actuarial reserve
339 is less than 5 percent of the expected liabilities of the trust
340 fund, the board shall pay the state universities 5.5 percent
341 above the base rate for the tuition differential fee in the
342 preceding fiscal year. If the actuarial reserve is between 5
343 percent and 6 percent of the expected liabilities of the trust
344 fund, the board shall pay the state universities 6 percent above
345 the base rate for the tuition differential fee in the preceding
346 fiscal year. If the actuarial reserve is between 6 percent and
347 7.5 percent of the expected liabilities of the trust fund, the



142484

581-02372C-14

348 board shall pay the state universities 6.5 percent above the
349 base rate for the tuition differential fee in the preceding
350 fiscal year. If the actuarial reserve is equal to or greater
351 than 7.5 percent of the expected liabilities of the trust fund,
352 the board shall pay the state universities 7 percent above the
353 base rate for the tuition differential fee in the preceding
354 fiscal year.

355 3. As to local fees, the board shall pay the state
356 universities 5 percent above the amount assessed for local fees
357 in the preceding fiscal year.

358 4. As to dormitory fees, the board shall pay the state
359 universities 6 percent above the amount assessed for dormitory
360 fees in the preceding fiscal year.

361 5. Qualified beneficiaries of advance payment contracts
362 purchased before July 1, 2007, are exempt from paying any
363 tuition differential fee.

364 (c) Notwithstanding the amount assessed for registration
365 fees, the tuition differential fee, or local fees, the amount
366 paid by the board to any state university on behalf of a
367 qualified beneficiary of an advance payment contract purchased
368 before July 1, 2024, may not exceed 100 percent of the amount
369 charged by the state university for the aggregate sum of those
370 fees.

371 (d) Notwithstanding the amount assessed for dormitory fees,
372 the amount paid by the board to any state university on behalf
373 of a qualified beneficiary of an advance payment contract
374 purchased before July 1, 2024, may not exceed 100 percent of the
375 amount charged by the state university for dormitory fees.

376 (e)-(e) The board shall pay state universities the actual



142484

581-02372C-14

377 amount assessed in accordance with law for registration fees,
378 the tuition differential, local fees, and dormitory fees for
379 advance payment contracts purchased on or after July 1, 2024
380 2009.

381 (f)-(d) The board shall annually evaluate or cause to be
382 evaluated the actuarial soundness of the trust fund.

383 Section 6. A dependent child who is a citizen of the United
384 States of America may not be denied residency classification for
385 tuition purposes based solely on the parent's undocumented
386 immigration status. All applicable laws apply.

387 Section 7. This act shall take effect July 1, 2014.

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: PCS/SB 1400 (142484)

INTRODUCER: Education

SUBJECT: Postsecondary Student Tuition

DATE: March 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Pre-meeting
2.			JU	
3.			AED	
4.			AP	

I. Summary:

PCS/SB 1400 eliminates the automatic annual tuition increases at public postsecondary institutions, revises the Florida Prepaid Program contract conditions, and extends an in-state tuition benefit to students who meet certain conditions.

Specifically, the bill:

- Eliminates the automatic annual rate of inflation increase of tuition and out-of-state fee for workforce education postsecondary student fees and Florida College System (FCS) institution student fees.
- Eliminates the automatic annual rate of inflation increase of the resident undergraduate tuition for the state universities and prohibits state university boards of trustees from establishing and increasing tuition differential fee for undergraduate courses.
- Specifies that for an advance payment contract purchased before July 1, 2024, the amount assessed and paid by the Florida Prepaid College Board (Prepaid Board) to the state universities will follow the methodology previously utilized by the Prepaid Board for contracts purchased prior to July 1, 2009.
- Expands the mandatory tuition waiver benefit for Purple Heart and other combat decoration recipients enrolled at a state university or a FCS institution to also apply to Purple Heart and other combat decoration recipients enrolled at a career center operated by a school district or charter technical career center.
- Extends an in-state tuition benefit to students who are undocumented aliens and clarifies that such students are not eligible for state financial aid.
- Codifies the 2012 United States District Court for the Southern District of Florida ruling that U.S. citizens, who would otherwise meet Florida’s residency requirements for tuition purposes but for their status as dependents and their parents’ undocumented immigration

status, may not be denied in-state tuition benefits based upon their parents' undocumented immigration status.

The bill provides an effective date of July 1, 2014.

II. Present Situation:

Tuition and Fees

Under Florida law, "tuition" is defined as "the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state."¹ A student who is classified as a "resident for tuition purposes" is a student who qualifies for the in-state tuition rate.²

An "out-of-state fee" is "the additional fee for instruction provided by a public postsecondary education institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate."³ A "non-resident for tuition purposes" is defined as a "person who does not qualify for the in-state tuition rate,"⁴ and pays the out-of-state fee in addition to tuition.

Residents for tuition purposes are charged in-state rates for tuition while non-residents pay out-of-state fees in addition to tuition, unless such costs are exempted or waived.⁵ Residents for tuition purposes also have access to need-based, merit-based, and other state financial aid upon meeting specified requirements.⁶

Workforce Education Postsecondary Fees

A student who enrolls in workforce education postsecondary programs is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.⁷ The Legislature establishes the standard tuition and out-of-state fee per contact hour. Since July 1, 2011, for programs leading to a career certificate or an applied technology diploma, the standard tuition is \$2.22 per contact hour for residents and nonresidents. The out-of-state fee for such programs is \$6.66 per contact hour.⁸ For adult general education programs, a block tuition of \$45 per half year or \$30 per term is assessed for residents and nonresidents. The out-of-state fee for such programs is \$135 per half year or \$90 per term.⁹

The tuition and out-of-state fee per credit hour increase automatically at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act (GAA). Current law requires the Office of Economic and Demographic Research (EDR) to

¹ Section 1009.01(1), F.S. Additionally, the definition states that "[a] charge for any other purpose shall not be included within this fee." *Id.*

² Section 1009.21(1)(g), F.S.

³ Section 1009.01(2), F.S. Adding that "[a] charge for any other purpose shall not be included within this fee." *Id.*

⁴ Section 1009.21(1)(e), F.S.

⁵ Sections 1009.22(2), 1009.23(2)(a) and 1009.24(2), F.S.

⁶ Section 1009.40, F.S.

⁷ Sections 1009.22(1)-(2), 1009.25, and 1009.26, F.S.

⁸ Section 1009.22(3)(c), F.S.

⁹ Section 1009.22(3)(c), F.S.

report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the State Board of Education (SBE) each year prior to March 1. The rate of inflation is defined as “the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year.”¹⁰ If the percentage change is negative, the tuition and out-of-state fee per credit hour must remain at the same as the prior fiscal year.¹¹

Florida College System Institution Student Fees

A student who enrolls in a college credit course, a college preparatory course, or an educator preparation institute (EPI) program at a Florida College System (FCS) institution is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.¹² The Legislature establishes the standard tuition and out-of-state fee per credit hour. Since July 1, 2011, the standard tuition per credit hour for residents and non-residents enrolled in advanced and professional, postsecondary vocational, developmental education, and EPI programs is \$68.56. The out-of-state fee for such programs is \$205.82 per credit hour.¹³ For baccalaureate programs, the tuition per credit hour for resident students is \$87.42 per credit hour.¹⁴ The sum of tuition and out-of-state fee per credit hour for non-resident students must not be more than 85 percent of the sum of tuition and out-of-state fee at a state university nearest to the FCS institution.¹⁵

The tuition and out-of-state fee per credit hour increase automatically at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the GAA. Current law requires EDR to report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the SBE each year prior to March 1. The rate of inflation is defined as “the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year.”¹⁶ If the percentage change is negative, the tuition and out-of-state fee per credit hour must remain at the same as the prior fiscal year.¹⁷

State University Student Fees

A student who enrolls in a college credit course at a state university is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.¹⁸ The amount of resident undergraduate tuition per credit hour is established by the Legislature. Since July 1, 2011, the

¹⁰ Section 1009.22(3)(d), F.S.

¹¹ Section 1009.22(3)(d), F.S.

¹² Sections 1009.23(1)-(2)(a), 1009.25, and 1009.26, F.S.

¹³ Section 1009.23(3)(a), F.S.

¹⁴ Section 1009.23(3)(b)1., F.S.

¹⁵ Section 1009.23(3)(b)2., F.S.

¹⁶ Section 1009.23(3)(c), F.S.

¹⁷ Section 1009.23(3)(c), F.S.

¹⁸ Sections 1009.24(1)-(2), 1009.25, and 1009.26, F.S.

resident undergraduate tuition is \$103.32 per credit hour for lower-level and upper-level coursework at a state university.¹⁹

The resident undergraduate tuition per credit hour increases automatically at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the GAA. Current law requires EDR to report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Board of Governors each year prior to March 1. The rate of inflation is defined as “the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year.”²⁰ If the percentage change is negative, the resident undergraduate tuition must remain at the same as the prior fiscal year.²¹

In addition to the resident undergraduate tuition, the Legislature also establishes the financial aid fee, Capital Improvement Trust Fund fee, technology fee, and distance learning course fee as a specified dollar amount or percent of tuition.²² Additionally, the board of trustees for each state university may establish the following fees subject to the approval of the Board of Governors for the State University System of Florida (BOG): activity and service fee, health fee, athletic fee, and tuition differential fee.^{23 24}

A state university board of trustees may establish a tuition differential fee for undergraduate courses upon receipt of approval from the BOG. The fee must promote improvements in the quality of undergraduate education and provide financial aid to undergraduate students who exhibit financial need.²⁵ The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential fee, must not exceed the national average of undergraduate tuition and fees at 4-year degree-granting public postsecondary educational institutions.²⁶

Increases to the tuition differential fee may be proposed by the state university board of trustees once each year. Such increases must be approved by the BOG. The tuition differential fee must not result in increasing the aggregate sum of tuition and the tuition differential fee by more than 15 percent of the total charged for such fees in the preceding fiscal year.²⁷

¹⁹ Section 1009.24(4)(a), F.S.

²⁰ Section 1009.24(4)(b), F.S.

²¹ Section 1009.24(4)(b), F.S.

²² Section 1009.24 (7), (8), (13), and (17), F.S.

²³ Tuition differential is defined as the “supplemental fee charged to a student by a public university in this state.” Section 1009.01(3), F.S. “The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential [fee at a state university], may not exceed the national average of undergraduate tuition and fees at 4-year degree-granting public postsecondary educational institutions.” Section 1009.24(16)(b)4., F.S.

²⁴ Section 1009.24(4), (9)-(12), and (16), F.S.; Florida Board of Governors Regulations 7.001(6) and (14) and 7.003(4), (5), (16), (17), and (23).

²⁵ Section 1009.24(16), F.S.

²⁶ Section 1009.24(16)(b)4., F.S.

²⁷ Section 1009.24(16)(b)3., F.S.; *see also* Florida Board of Governors Regulation 7.001(14).

Fee Exemptions and Fee Waivers

Florida law provides fee exemptions²⁸ and fee waivers²⁹ to students who meet specified criteria. A number of fee exemptions and fee waivers are mandatory,³⁰ while others are permissive.³¹ For example, the state of Florida extends tuition and fee exemption benefit to a student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a shelter designed to provide temporary residence³² and a student who is or was at the time he or she reached the age of 18 in the custody of Children and Family Services or who was placed in a guardianship by the court.³³ Current law regarding fee exemptions³⁴ does not require students who are exempted from the payment of tuition and fees to establish Florida residency for tuition purposes.

Florida law also grants tuition and fee waivers for specific students.³⁵ For example, a state university or FCS institution may waive tuition and fees for a classroom teacher who is employed full-time by a school district and who meets the academic requirements of the university or institution, as applicable.³⁶ Additionally, each university board of trustees is authorized to “waive tuition and out-of-state fees for purposes that support and enhance the mission of the university.”³⁷ Current law regarding fee waivers³⁸ does not require student recipients of fee waivers to establish Florida residency for tuition purposes.

Regarding military personnel, Florida law provides a mandatory undergraduate fee waiver for “each recipient of a Purple Heart or another combat decoration superior in precedence” at a state university or FCS institution.³⁹ The statute requires that the recipient:⁴⁰

- Be enrolled in an undergraduate program that results in a degree or certificate;
- Currently be a resident of this state and was a resident of this state at the time of military action that resulted in the awarding of the applicable combat decoration; and
- Submit to the institution DD-214 form issued at the time of separation from service or another document recognized by the United States Department of Defense or the United States Department of Veterans Affairs, documenting the award.

²⁸ Section 1009.25, F.S.; see The Florida College System, *Exemptions and Waivers in The Florida College System*, <http://www.fldoe.org/fcs/OSAS/Evaluations/pdf/FYI2012-02Exemptions.pdf> (noting that “[a]n exemption is provided for certain students who are, by statutory definition, exempt from the payment of tuition and fees, including lab fees”).

²⁹ Section 1009.26, F.S.; see The Florida College System, *Exemptions and Waivers in The Florida College System*, <http://www.fldoe.org/fcs/OSAS/Evaluations/pdf/FYI2012-02Exemptions.pdf> (providing that a “waiver occurs when a student has his or her fees, which would otherwise be due, waived or forgiven by an institution”).

³⁰ Sections 1009.25(1)(a)-(g) and 1009.26(5), (7), (8), F.S.

³¹ Section 1009.25(2), F.S. (authorizing each Florida College System institution to grant additional fee exemptions “up to 54 full-time equivalent students or 1 percent of [an] institution’s total full-time equivalent enrollment, whichever is greater at each institution”); see also section 1009.26(1)-(4), (6), (9), (10), (11), F.S.

³² Section 1009.25(1)(f), F.S.

³³ Section 1009.25(1)(c), F.S.

³⁴ Section 1009.25, F.S.

³⁵ Section 1009.26, F.S.

³⁶ Section 1009.26(10), F.S.

³⁷ Section 1009.26(9), F.S.

³⁸ Section 1009.26, F.S.

³⁹ Section 1009.26(8), F.S.

⁴⁰ Section 1009.26(8)(a)-(c), F.S.

The fee waiver for Purple Heart recipients, and recipients of superior combat decorations, covers 110 percent of the credit hours the recipient needs to complete the applicable degree or certificate program.⁴¹ During 2011-2012, 168 students at FCS institutions received Purple Heart fee waivers totaling \$269,580.⁴² At state universities, 46 students received Purple Heart fee waivers totaling \$151,896 during 2012-2013.⁴³

In 2011-2012, FCS institutions provided exemptions and fee waivers for 71,719 students, which totaled \$93,689,726.⁴⁴ Fee exemptions and fee waivers, respectively, totaled \$83,926,832 and \$9,762,894 within FCS institutions.⁴⁵ A total of \$205,824,039 in fee exemptions and fee waivers were provided by state universities during 2012-2013.⁴⁶ In 2012-2013, Career Centers and Charter Technical Career Centers provided approximately \$661.00 in fee exemptions.⁴⁷

Tuition Assistance for Undocumented Aliens

Federal Law

Federal law authorizes states to enact laws to make undocumented aliens eligible for any state or local public benefit for which they would not otherwise be eligible only if the law affirmatively provides for such eligibility.⁴⁸ However, federal law also places limitation on eligibility for preferential treatment of aliens not lawfully present on basis of residence for higher education benefits.⁴⁹ Specifically, federal law⁵⁰ states:

Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a state (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

An alien is “an individual who is not a U.S. citizen or U.S. national.”⁵¹ An illegal alien also known as “undocumented alien,” is an alien who has entered the United States illegally and is

⁴¹ Section 1009.26(8), F.S.

⁴² Email, Florida Department of Education (Dec. 11, 2013), on file with the Committee on Education staff.

⁴³ Email, Florida Board of Governors (Dec. 11, 2013), on file with the Committee on Education staff.

⁴⁴ Email, Florida Department of Education (Dec. 11, 2013), on file with the Committee on Education staff.

⁴⁵ *Id.* The calculation of fee exemptions the exemptions provided under s. 1009.25(2), F.S., which totaled \$7,912,717 for 2,691 students and the exemptions under s. 1009.25(1), F.S. *Id.*

⁴⁶ Email, Florida Board of Governors (Dec. 11, 2013), on file with the Committee on Education staff.

⁴⁷ Email, Florida Department of Education (Jan. 17, 2014), on file with the Committee on Education staff. Career Centers and charter technical career centers provided 671 non-dual enrollment fee exemptions. The calculation of fee exemptions provided under s.1009.25 (1), F.S., is based on the average student enrollment in 423 clock hours.

⁴⁸ 8 U.S.C. s. 1621(d).

⁴⁹ 8 U.S.C. s. 1623.

⁵⁰ 8 U.S.C. s. 1623.

⁵¹ Internal Revenue Service, *Immigration Terms and Definitions Involving Aliens*,

<http://www.irs.gov/Individuals/International-Taxpayers/Immigration-Terms-and-Definitions-Involving-Aliens> (last visited March 15, 2014).

deportable if apprehended, or an alien who entered the United States legally but who has fallen “out of status” and is deportable.⁵²

On June 15, 2012, the Secretary of Homeland Security announced that “certain people who came to the United States as children and meet several key guidelines may request consideration of deferred action for a period of two years, subject to renewal, and would then be eligible for work authorization. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. Deferred action does not provide an individual with lawful status.”⁵³ Individuals must meet certain requirements including, but not limited, age requirement, to be considered for deferred action for childhood arrival (DACA) temporary status.⁵⁴

State Law

States vary regarding approaches to extend in-state tuition and state financial aid benefits to students who are undocumented aliens.

Fifteen states – California, Colorado, Connecticut, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Texas, Utah, and Washington – extend in-state tuition rates to students who are undocumented aliens, who meet specific requirements, through state legislation.⁵⁵ Wisconsin revoked nonresident tuition and fee exemptions for undocumented persons in 2011.⁵⁶

Two states – Oklahoma and Rhode Island – allow in-state tuition rates to such students through Board of Regents decisions. In 2013, the University of Hawaii’s Board of Regents and the University of Michigan’s Board of Regents adopted similar policies for students who are undocumented aliens to access in-state tuition at those institutions.⁵⁷

Four states – California, New Mexico, Texas, and Washington – allow students who are undocumented aliens to receive state financial aid. Students without legal immigrant status are ineligible for federal financial aid.⁵⁸

⁵² Internal Revenue Service, *Immigration Terms and Definitions Involving Aliens*, <http://www.irs.gov/Individuals/International-Taxpayers/Immigration-Terms-and-Definitions-Involving-Aliens> (last visited March 15, 2014).

⁵³ U.S. Citizenship and Immigration Services, *Consideration of Deferred Action for Childhood Arrivals Process*, <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process> (last visited March 15, 2014).

⁵⁴ U.S. Citizenship and Immigration Services, *Consideration of Deferred Action for Childhood Arrivals Process*, <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process> (last visited March 15, 2014).

⁵⁵ National Conference of State Legislatures, *Undocumented Student Tuition: Overview* (Feb. 2014), <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx> (last visited March 15, 2014).

⁵⁶ National Conference of State Legislatures, *Undocumented Student Tuition: Overview* (Feb. 2014), <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx> (last visited March 15, 2014); see also Department of Administration, State of Wisconsin, *State of Wisconsin 2011-13 Executive budget: Budget in Brief* (2011), available at http://doa.wi.gov/Documents/DEBF/Budget/Biennial%20Budget/Biennial%20Budget%20Archives/2011-13%20Biennial%20Budget/2011-13_BIB.pdf, at 14 of 92.

⁵⁷ National Conference of State Legislatures, *Undocumented Student Tuition: Overview* (Feb. 2014), <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx> (last visited March 15, 2014).

⁵⁸ National Conference of State Legislatures, *Undocumented Student Tuition: Overview* (Feb. 2014), <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx> (last visited March 15, 2014).

Three states – Arizona, Georgia, and Indiana – specifically prohibit students who are undocumented aliens from receiving in-state tuition rates.⁵⁹

Two states – Alabama and South Carolina – prohibit students who are undocumented aliens from enrolling in any public postsecondary institution within the state.⁶⁰

Florida does not affirmatively extend in-state tuition and state financial aid benefits to students who are undocumented aliens. However, Florida law authorizes “each university board of trustees to waive tuition and out-of-state fees for purposes that support and enhance the mission of the university. All fees waived must be based on policies that are adopted by the university boards of trustees pursuant to regulations adopted by the Board of Governors.”⁶¹ Similarly, school districts and FCS institutions may waive fees for any fee-nonexempt student.⁶² FCS institutions are also authorized to grants students fee exemptions from all fees.⁶³

Students who are U.S. citizens but whose parents are undocumented for federal immigration purposes are eligible to receive in-state tuition and state financial aid benefits. In 2012, the United States District Court for the Southern District of Florida ruled that U.S. citizens, who would otherwise meet Florida’s residency requirements for tuition purposes but for their status as dependents and their parents’ undocumented immigration status, may not be denied in-state tuition benefits based upon their parents’ undocumented immigration status.⁶⁴

Relevant Case Law

Pursuant to the United States Supreme Court ruling in 1982, states must provide all students with K-12 public education, regardless of students’ immigration status. The Court ruled that although education is not a fundamental right, “[p]ublic education has a pivotal role in maintaining the fabric of our society and in sustaining our political and cultural heritage: the deprivation of education takes an inestimable toll on the social, economic, intellectual, and psychological well-being of the individual, and poses an obstacle to individual achievement.”⁶⁵ The 1982 United States Supreme Court ruling did not extend to postsecondary education.

California provides in-state tuition benefits to students, including undocumented aliens, who meet certain statutory requirements.⁶⁶ The benefit is provided through an exemption from payment of nonresident tuition⁶⁷ and has been upheld under federal law⁶⁸ because the benefit is

⁵⁹ National Conference of State Legislatures, *Undocumented Student Tuition: Overview* (Feb. 2014), <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx> (last visited March 15, 2014).

⁶⁰ National Conference of State Legislatures, *Undocumented Student Tuition: Overview* (Feb. 2014), <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx> (last visited March 15, 2014).

⁶¹ Section 1009.26(9), F.S.

⁶² Section 1009.26(1), F.S.

⁶³ Section 1009.25(2), F.S.

⁶⁴ *Ruiz v. Robinson*, 892 F. Supp. 2d 1321, 1331-1333 (S.D. Fla. 2012).

⁶⁵ *Plyler v. Doe*, 457 U.S. 202, 203 (1982).

⁶⁶ Cal. Educ. Code § 68130.5.

⁶⁷ *Id.*

⁶⁸ *Martinez v. The Regents of the Univ. of California*, 241 P.3d 855, 860 (Cal. 2010), cert. denied, 131 S. Ct. 2961 (2011); see also 8 U.S.C. §1623. Federal law states that “[n]otwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible *on the basis of residence within a State* (or political subdivision) for any

not based upon residence within the state.⁶⁹ The requirements to receive the exemption from payment of nonresident tuition are: attendance at a California high school for three or more years; graduation from a California high school or “attainment of the equivalent thereof”; registration as an entering, or currently enrolled, student at an accredited institution of higher education in California; and if “without lawful immigration status, the filing of an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.”⁷⁰

In 2005, a federal district court in Kansas dismissed a lawsuit that challenged the state law regarding in-state tuition benefit for students who are undocumented aliens based on procedural grounds of the plaintiffs’ lack of standing and lack of a private right of action.⁷¹ In 2007, the Tenth Circuit Court of Appeals affirmed the federal district court’s decision.⁷²

Stanley G. Tate Florida Prepaid College Program (Prepaid Program)

The Legislature created the Stanley G. Tate Florida Prepaid College Program (Prepaid Program) in 1987⁷³ to provide Florida’s families, affordable means to plan and save for their children’s college education.⁷⁴ The Prepaid Program is administered by the Florida Prepaid College Board (Prepaid Board).⁷⁵ Florida’s families have purchased more than 1.5 million Prepaid Program contracts.⁷⁶

The Prepaid Program provides for the purchase of advance payment contracts for postsecondary education. The contracts, which are financially guaranteed by the State of Florida,⁷⁷ lock-in many of the costs associated with enrollment in state universities and Florida College System (FCS) institutions (e.g., registration fees, tuition differential fees, local fees, and dormitory fees) at the time such contracts are purchased.⁷⁸ Families may choose from the following Prepaid Program options:⁷⁹

postsecondary education benefit unless a citizen or nation of the United States is eligible for such a benefit (in no less amount, duration, and scope) without regard to whether the citizen or national is such a resident.” 8 U.S.C. §1623 (italics added).

⁶⁹ *Martinez*, 241 P.3d at 860. The California Supreme Court stated that exemption is not based on residence “[b]ecause the exemption is given to all who have attended high school in California for at least three years (and meet other requirements), and not all who have done so qualify as California residents for purposes of in-state tuition, and further because not all unlawful aliens who would qualify as residents but for their unlawful status are eligible for the exemption, we conclude the exemption is not based on residence in California. Rather, it is based on other criteria. Accordingly, section 68130.5 does not violate section 1623.” *Id.*

⁷⁰ Cal. Educ. Code § 68130.5.

⁷¹ *Day v. Sebelius*, 376 F. Supp. 2d 1022, 1040 (D. Kan. 2005) *aff’d sub nom. Day v. Bond*, 500 F.3d 1127 (10th Cir. 2007).

⁷² *Day v. Bond*, 500 F.3d 1127 (10th Cir. 2007) *cert. denied* 554 U.S. 918 (2008).

⁷³ Section 1, ch. 1987-132, L.O.F.; *see also* Florida Prepaid College Board, *Our History*, <http://www.myfloridaprepaid.com/who-we-are/> (last visited Feb. 15, 2014).

⁷⁴ Section 1009.98(1), F.S.

⁷⁵ Section 1009.971(1), F.S.

⁷⁶ Florida Prepaid College Board, *Annual Report* (2012), available at <http://www.myfloridaprepaid.com/wp-content/uploads/2012-annual-report.pdf>, at 1.

⁷⁷ Section 1009.98(7), F.S.

⁷⁸ Section 1009.98(2), F.S.

⁷⁹ Florida Prepaid College Board, *Explore Your Options*, <http://www.myfloridaprepaid.com/what-we-offer/> (last visited Feb. 15, 2014).

- 2-Year Florida College Plan
- 4-Year Florida College Plan
- 2+2 Florida Plan
- 4-Year Florida University Plan

A qualified beneficiary⁸⁰ with a Prepaid Plan choosing to attend an out-of-state or private institution may have the full value of the Plan, which would have been paid to a Florida state university or a Florida college for that beneficiary, transferred semester by semester to the private or out-of-state institution.⁸¹

Each year, the Prepaid Board conducts an analysis of the actuarial adequacy of the Prepaid Trust Fund. In order to conduct this analysis, a series of assumptions are made regarding investment yield, tuition increases, tuition differential fee increases, local fee increases, and dormitory fee increases. The result of the analysis is a determination of the actuarial reserve, which means the amount by which the expected value of the assets in the Prepaid Trust Fund exceeds the value of the expected liabilities. The table below shows a recent history of the actuarial reserve.⁸²

Actuarial Information				
	2010	2011	2012	2013
Actuarial Reserve	\$482,626,581	\$589,408,656	\$569,458,560	\$834,449,416
As Percentage of Expected Liabilities	5.1%	6.0%	4.9%	7.6%

The Prepaid Plan payment methodology (tuition and fee caps) established for advance payment contracts purchased before July 1, 2009, specifies the level the Prepaid Board will pay universities for registration and tuition differential increases within a reasonable range based on fund reserve. The table below shows the methodology.⁸³

Registration & Tuition Differential Fee Payment Scenarios				
Actuarial Reserve, as a Percentage of Expected Liabilities	<5%	5% - 6%	6% - 7%	≥7.5%
Prepaid Board Payment to Universities above Fee Assessed Previous Year	5.5%	6.0%	6.5%	7.0%

⁸⁰ A qualified beneficiary is “a resident of [Florida] at the time a purchaser enters into an advance payment contract on behalf of the resident; a nonresident who is the child of a noncustodial parent who is a resident of [Florida] at the time that such parent enters into an advance payment contract on behalf of the child;” or “a graduate of an accredited high school in [Florida] who is a resident of [Florida] at the time he or she is designated to receive benefits of the advance payment contract.” Section 1009.97(3)(f), F.S.

⁸¹ Florida Prepaid College Board, *Annual Report* (2012), available at <http://www.myfloridaprepaid.com/wp-content/uploads/2012-annual-report.pdf>, at 10.

⁸² State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 1-2, on file with the Committee on Education staff.

⁸³ State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 2, on file with the Committee on Education staff.

The Prepaid Board pays state universities five percent above the amount assessed in the previous fiscal year for local fees and six percent above the amount assessed in the previous fiscal year for dormitory fees.⁸⁴

For advance payment contracts purchased on or after July 1, 2009, with regards to registration, tuition differential, local, and dormitory fees, the Prepaid Board must pay the university the actual amount charged for these fees.⁸⁵ For actuarial planning purposes, the Prepaid Board must price the Prepaid Plan with the assumption that universities will assess the maximum allowable fees each year.

III. Effect of Proposed Changes:

PCS/SB 1400 eliminates the automatic annual tuition increases at public postsecondary institutions, revises the Florida Prepaid Program contract conditions, and extends an in-state tuition benefit to students who meet certain conditions. As a result, the bill makes postsecondary education more accessible and affordable by providing tuition and fee benefits to Florida's families.

Tuition and Fees

The bill codifies the public postsecondary tuition and out-of-state fee levels for the 2014-2015 academic year and eliminates the automatic annual rate of inflation increase of tuition and fees.

Workforce Education Postsecondary Fees

For programs leading to a career certificate or applied technology diploma, the bill changes the standard tuition for residents and nonresidents from \$2.22 to \$2.33 per contact hour, and the out-of-state fee from \$6.66 to \$6.99 per contact hour. The bill locks-in the current tuition and out-of-state fee levels for the 2014-2015 academic year and each year thereafter by eliminating the automatic annual rate of inflation increase of the tuition and out-of-state fee per contact hour.

Florida College System Institution Student Fees

For advanced and professional, postsecondary vocational, developmental education, and educator preparation institute programs, the bill changes the standard tuition from \$68.56 to \$71.98 per credit hour for residents and nonresidents, and the out-of-state fee from \$205.82 to \$215.94 per credit hour. For baccalaureate degree programs, the bill changes the tuition from \$87.42 to \$91.79 per credit hour for residents. The bill locks-in the current tuition and out-of-state fee levels for the 2014-2015 academic year and each year thereafter by eliminating the automatic annual rate of inflation increase of the tuition and out-of-state fee.

⁸⁴ State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 2, on file with the Committee on Education staff.

⁸⁵ State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 2, on file with the Committee on Education staff.

State University Student Fees

For resident undergraduate tuition at state universities, the bill maintains \$103.32 as tuition per credit hour which effectively reduces the current tuition from \$105.07 to \$103.32 per credit hour because in 2013, the state universities implemented the automatic annual rate of inflation increase of resident undergraduate tuition per credit hour, which resulted in increasing the resident undergraduate tuition from \$103.32 to \$105.07 per credit hour.⁸⁶ The bill locks-in the 2011 tuition level for the 2014-2015 academic year and each year thereafter by eliminating the automatic annual rate of inflation increase of the resident undergraduate tuition per credit hour. As a result, fees which are indexed to tuition will also be restricted from automatically increasing annually, making university education more affordable and accessible to Florida's families.

The bill also prohibits state university boards of trustees from establishing and increasing tuition differential fee for undergraduate courses effective July 1, 2014. However, current law does not authorize state university boards of trustees to establish or increase the tuition differential fee. The authority to approve or deny tuition differential proposals rests with the Board of Governors for the State University System of Florida (BOG).⁸⁷ Specifically, current law requires the BOG to "review each [tuition differential] proposal and advise the university board of trustees of approval of the proposal, the need for additional information or revision to the proposal, or denial of the proposal."⁸⁸

Tuition Assistance

The bill codifies a 2012 court ruling regarding residency classification of students who are U.S. citizens but whose parents are undocumented aliens. The bill also extends an in-state tuition benefit to students who are undocumented aliens and waives tuition for Purple Heart and other combat decoration recipients enrolled at technical centers.

In-State Tuition for U.S. Citizens But Whose Parents Are Undocumented Aliens

The bill codifies the 2012 the United States District Court for the Southern District of Florida ruling that U.S. citizens, who would otherwise meet Florida's residency requirements for tuition purposes but for their status as dependents and their parents' undocumented immigration status, may not be denied in-state tuition benefits based upon their parents' undocumented immigration status.⁸⁹

In-State Tuition for Students Who Are Undocumented Aliens

The bill extends an in-state tuition benefit to students who are undocumented aliens and who meet certain conditions by waiving the out-of-state fee. The bill does not change the ability of a student, who may be an undocumented alien or a student from another state, to meet the requirements for residency classification for tuition purposes,⁹⁰ as a dependent or independent

⁸⁶ Florida Board of Governors, *2013-2014 Fees*, <http://flbog.edu/about/budget/current.php> (last visited March 15, 2014).

⁸⁷ Section 1009.24(16)(d), F.S.

⁸⁸ Section 1009.24(16)(d), F.S.

⁸⁹ *Ruiz v. Robinson*, 892 F. Supp. 2d 1321, 1331-1333 (S.D. Fla. 2012).

⁹⁰ Section 1009.21, F.S.

student under the federal income tax code, to qualify for the in-state tuition benefit. Currently, students who are undocumented aliens, must meet the requirements of Florida residency for tuition purposes to pay in-state tuition⁹¹ at a state university, Florida College System (FCS) institution, or technical center, unless the postsecondary institution grants a fee exemption⁹² or a fee waiver⁹³.

Because federal law⁹⁴ requires state laws that extend benefits to undocumented aliens to affirmatively state that undocumented aliens are eligible for the benefits, the bill affirmatively provides an out-of-state fee waiver to students who are undocumented for federal immigration purposes. The out-of-state fee waiver will allow such students to pay in-state tuition at Florida's public postsecondary institutions.

To receive out-of-state fee waiver, students who are undocumented aliens must:

- Attend a secondary school in Florida for three consecutive years immediately before graduating from a high school in Florida,
- Enroll in an institution of higher education within 24 months after high school graduation, and
- Submit an official Florida high school transcript as evidence of attendance and graduation.

Based on current law regarding undergraduate tuition waiver for recipients of Purple Heart and other combat decoration, the bill requires the out-of-state fee waiver for students who are undocumented aliens to cover 110 percent of the credit hours needed to complete the degree or certificate program in which the student is enrolled. State universities must report to the BOG and FCS institutions, career centers operated by school districts, and charter technical career centers must report to the SBE, the number and value of all fee waivers granted annually. The bill also clarifies that students who are undocumented for federal immigration purposes are not eligible for state financial aid.

The bill maintains access to higher education for Florida residents by requiring the BOG, for the state universities, and the SBE for the colleges and technical centers, to annually certify within the legislative budget request that the percentage of resident students enrolled systemwide is the same as the 2013-2014 resident student enrollment systemwide. Currently, the BOG requires that the nonresident student enrollment must not exceed 10 percent of the total state university systemwide student enrollment.⁹⁵ In Fall 2012, the nonresident student enrollment ranged from 18 percent at the University of Florida to 3 percent at the University of North Florida and University of South Florida Sarasota-Manatee and St. Petersburg campuses. Systemwide, 91 percent of the students enrolled in state universities in Fall 2012, were residents while the remaining 9 percent of the enrolled students were nonresidents.⁹⁶

⁹¹ Section 1009.21, F.S.

⁹² Section 1009.25(2), F.S.

⁹³ Section 1009.26(9), F.S.

⁹⁴ 8 U.S.C. s. 1621(d).

⁹⁵ Florida Board of Governors Regulation 7.006.

⁹⁶ Email, Board of Governors of the State University System of Florida (Feb. 13, 2014), on file with the Committee on Education staff.

Tuition Waiver for Recipients of Purple Heart or Other Combat Decoration

Currently, undergraduate tuition is waived for recipients of Purple Heart or other combat decoration superior in precedence who enroll at a state university or FCS institution in an undergraduate program that terminates in a degree or certificate.⁹⁷ The bill expands the mandatory tuition waiver benefit for Purple Heart and other combat decoration recipients enrolled at a state university or a FCS institution to also apply to Purple Heart and other combat decoration recipients enrolled at a career center operated by a school district or charter technical career center.

Stanley G. Tate Florida Prepaid College Program (Prepaid Program)

The bill specifies that for an advance payment contract purchased before July 1, 2024, the amount assessed and paid by the Florida Prepaid College Board (Prepaid Board) to the state universities will follow the methodology previously utilized by the Prepaid Board for contracts purchased prior to July 1, 2009.

Registration & Tuition Differential Fee Payment Scenarios				
Actuarial Reserve, as a Percentage of Expected Liabilities	<5%	5% - 6%	6% - 7%	≥7.5%
Prepaid Board Payment to Universities above Fee Assessed Previous Year	5.5%	6.0%	6.5%	7.0%

The bill also creates a cap on the aggregate sum the Prepaid Program pays state universities for registration, tuition differential, and local fees, equal to the actual amounts charged for those fees as well as a cap on dormitory fees equal to the actual amount charged for that fee.

The bill provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁹⁷ Section 1009.26(8), F.S.

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

None.

B. Private Sector Impact:**Tuition and Fees**

The bill locks-in tuition and fee levels by eliminating the automatic annual rate of inflation increase of tuition and out-of-state fees for workforce education programs and baccalaureate degree programs offered by the Florida College System (FCS) institutions and resident undergraduate tuition per credit hour at state universities, which will result in significant cost savings for Florida's families.

Tuition Assistance

The bill provides an in-state tuition benefit to Florida's students who are undocumented aliens resulting in significant cost savings for such students and their families. Under the bill, students who are undocumented aliens will pay in-state tuition and fees. Additionally, Purple Heart and other combat decoration recipients enrolled at a technical centers will not have to pay tuition.

For the 2013-2014 academic year, the average State University System undergraduate cost for tuition and fees for two semesters is \$6,155 for residents and \$21,434 for non-residents.⁹⁸ At the graduate level, the average cost for two semesters is \$10,262 for residents and \$25,138 for non-residents.⁹⁹ Therefore, this out-of-state fee waiver could save an eligible, full-time veteran graduate student¹⁰⁰ at a state university approximately \$14,876 per academic year.

For the same period, the Florida College System reports the average cost for two semesters is approximately \$3,124 for residents enrolled in lower-level credit programs and \$11,531 for non-residents. For residents enrolled in the upper-level credit programs the cost for two semesters is \$3,585 and \$15,400 for non-residents.¹⁰¹

For the 2013-2014 academic year, the average district technical center cost for tuition and fees for a full-time equivalent student¹⁰² is \$2,443 for residents, and \$9,710 for non-residents.

⁹⁸ Board of Governors of the State University System of Florida, *Public Colleges and Universities of Florida, Tuition and Required Fees, 2013-14 for New Students in Main Campus*, <http://www.flbog.edu/about/budget/current.php> (select the Excel link for "2013-2014 Fees") (last visited Dec. 8, 2013) (noting that the calculation is for students who are full-time taking 30 credit hours).

⁹⁹ *Id.* (providing that the calculation is for full-time graduate students taking 24 credit hours).

¹⁰⁰ Full-time status for graduate students is 24 hours.

¹⁰¹ Data provided by the Division of Florida Colleges (on file with Senate Appropriations Subcommittee on Education).

¹⁰² Full-time equivalent is defined as 900 instructional hours in a certificate program.

Stanley G. Tate Florida Prepaid College Program

The Florida Prepaid College Board (Prepaid Board) estimates that the bill will reduce the cost for individuals to purchase Prepaid Program contracts. The new lump-sum price for the 4-Year Florida University Plan would be reduced by approximately \$10,000,¹⁰³ from \$53,729 to less than \$43,000¹⁰⁴. Over 26,000 Florida families who purchased plans at higher prices in recent years would be entitled to refunds of approximately \$50 million. In addition, future monthly payments would be reduced for those purchasing a Prepaid Program contract and paying on a monthly basis. A Florida family enrolling a newborn during 2012-13 in a 4-Year Florida University Plan is currently paying \$332 per month under the monthly payment option.¹⁰⁵ These monthly payments are estimated to drop to \$255 per payment – a savings of over \$75 per month for 223 months¹⁰⁶ totaling approximately \$17,000 over the life of the contract.

C. Government Sector Impact:

Tuition and Fees

With the elimination of automatic annual rate of inflation increase of tuition and out-of-state fees Florida's public postsecondary institutions will not be able receive an automatic annual increase in revenues from tuition and fees. Additionally, because the bill maintains \$103.32 as the resident undergraduate tuition per credit hour and eliminates the automatic annual rate of inflation increase, the state universities may likely experience a dip in tuition and fee revenues relative to the fiscal year 2013-2014 tuition and fee revenues. In 2013, the state universities raised the resident undergraduate tuition to 105.07 per credit hour¹⁰⁷ based on the annual rate of inflation increase.

Tuition Assistance

The fiscal impact of this bill on the state universities, FCS institutions, and technical centers is indeterminate because the number of undocumented aliens who may enroll in the state's public postsecondary institutions is indeterminate.

Stanley G. Tate Florida Prepaid College Program

For advance payment contracts purchased on or after July 1, 2009, with regard to tuition and tuition differential, the Prepaid Board must pay the university the actual amount charged for these fees. For actuarial planning purposes, the Prepaid Board must price the Prepaid Plan with the assumption that universities will assess the maximum allowable fee increase of 15 percent each year. This has led to a higher cost for the 4-Year Florida

¹⁰³ State Board of Administration, *2014 Agency Legislative Bill Analysis for SB 732* (Feb. 5, 2013), at 3, on file with the Committee on Education staff.

¹⁰⁴ Email, Florida Prepaid College Board (Jan. 15, 2014), on file with Committee on Education staff.

¹⁰⁵ Email, Florida Prepaid College Board (Jan. 15, 2014), on file with Committee on Education staff.

¹⁰⁶ Email, Florida Prepaid College Board (Jan. 15, 2014), on file with Committee on Education staff.

¹⁰⁷ Florida Board of Governors, *2013-2014 Fees*, <http://flbog.edu/about/budget/current.php> (last visited March 15, 2014).

University Plan and 2+2 Florida Plan.¹⁰⁸ This bill provides an improved forecast methodology allowing the Prepaid Board to more accurately price the 4-Year Florida University Plan and 2+2 Florida Plan.

The fiscal impact of the bill on the state universities is indeterminate, but may reduce the tuition fees, tuition differential fees, local fees, and dormitory fees that will be paid by the Prepaid Board to the state universities on behalf of qualified beneficiaries of Prepaid Program Plans purchased prior to July 1, 2024.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 1009.22, 1009.23, 1009.24, 1009.26, and 1009.98.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

PCS by Education:

The proposed committee substitute maintains the original substance of SB 1400, regarding public postsecondary tuition and fee provisions, with the following modifications:

- Extends an in-state tuition benefit to students who are undocumented aliens through an out-of-state fee waiver approach rather than a residency classification for tuition purposes approach, and clarifies that such students are not eligible for state financial aid.
- Expands tuition waiver benefit for Purple Heart and other combat decoration recipients enrolled at a state university or a FCS institution to also apply to Purple Heart and other combat decoration recipients enrolled at a career center operated by a school district or charter technical career center.
- Clarifies that the cap on the aggregate sum the Prepaid Program pays state universities for registration, tuition differential, local fees, and dormitory fees, under the bill, apply to advance payment contracts purchased before July 1, 2024.
- Codifies the 2012 United States District Court for the Southern District of Florida ruling that U.S. citizens, who would otherwise meet Florida's residency requirements for tuition purposes but for their status as dependents

¹⁰⁸ Email, Florida Prepaid College Board (Feb.25, 2014), on file with Committee on Education staff.

and their parents' undocumented immigration status, may not be denied in-state tuition benefits based upon their parents' undocumented immigration status.

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 Latvala

20-01177C-14

20141400__

1 A bill to be entitled
 2 An act relating to postsecondary student tuition;
 3 amending s. 1009.21, F.S.; redefining the terms
 4 "dependent child" and "parent"; revising certain
 5 residency requirements for a dependent child;
 6 prohibiting denial of classification as a resident for
 7 tuition purposes based on certain immigration status;
 8 revising requirements for documentation of residency;
 9 revising requirements relating to classification or
 10 reclassification as a resident for tuition purposes
 11 based on marriage; revising requirements relating to
 12 reevaluation of classification as a resident for
 13 tuition purposes; providing that certain veterans of
 14 the Armed Services of the United States, persons who
 15 receive certain tuition exemptions or waivers, and
 16 students who meet certain graduation, enrollment, and
 17 residency documentation requirements shall be
 18 classified as residents for tuition purposes;
 19 providing for the adoption of rules and regulations;
 20 amending ss. 1009.22 and 1009.23, F.S.; revising the
 21 standard tuition and out-of-state fees for workforce
 22 education postsecondary programs leading to certain
 23 certificates and diplomas and certain other programs
 24 at Florida College System institutions; deleting a
 25 provision related to an increase of tuition and out-
 26 of-state fees at a rate equal to inflation; deleting
 27 the requirement of the Office of the Economic and
 28 Demographic Research to annually report the rate of
 29 inflation to the Governor, the Legislature, and the

Page 1 of 19

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20-01177C-14

20141400__

30 State Board of Education; deleting the definition of
 31 the term "rate of inflation"; amending s. 1009.24,
 32 F.S.; deleting a provision related to an increase of
 33 the resident undergraduate tuition at state
 34 universities at a rate equal to inflation; deleting
 35 the requirement of the Office of the Economic and
 36 Demographic Research to annually report the rate of
 37 inflation to the Governor, the Legislature, and the
 38 Board of Governors; deleting the definition of the
 39 term "rate of inflation"; conforming provisions to
 40 changes made by the act; prohibiting a state
 41 university board of trustees from establishing or
 42 increasing the tuition differential for undergraduate
 43 courses; amending s. 1009.98, F.S.; redefining the
 44 term "tuition differential"; revising the purchase
 45 date of an advance payment contract as it relates to
 46 the amount paid by the Florida Prepaid College Board
 47 to a state university on behalf of a qualified
 48 beneficiary; prohibiting the amount of the aggregate
 49 sum of registration fees, the tuition differential,
 50 and local fees paid by the board to a state university
 51 on behalf of a qualified beneficiary of an advance
 52 payment contract from exceeding a certain percentage
 53 of the amount charged by the state university for the
 54 aggregate sum of those fees; prohibiting the amount of
 55 the dormitory fees paid for by the board to a state
 56 university on behalf of a qualified beneficiary of an
 57 advance payment contract from exceeding a certain
 58 percentage of the amount charged by the state

Page 2 of 19

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20-01177C-14

20141400__

59 university for those fees; conforming provisions to
60 changes made by the act; providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Paragraphs (a) and (f) of subsection (1),
65 paragraph (b) of subsection (2), paragraph (c) of subsection
66 (3), subsections (4) and (5), paragraph (d) of subsection (6),
67 and subsections (8), (10), and (13) of section 1009.21, Florida
68 Statutes, are amended, and paragraph (d) is added to subsection
69 (2) of that section, to read:

70 1009.21 Determination of resident status for tuition
71 purposes.—Students shall be classified as residents or
72 nonresidents for the purpose of assessing tuition in
73 postsecondary educational programs offered by charter technical
74 career centers or career centers operated by school districts,
75 in Florida College System institutions, and in state
76 universities.

77 (1) As used in this section, the term:

78 (a) "Dependent child" means any person, whether or not
79 living with his or her parent, who is eligible to be claimed by
80 his or her parent as a dependent under the federal income tax
81 code or who is not deemed independent for federal financial aid
82 purposes.

83 (f) "Parent" means the natural or adoptive parent,
84 stepparent, or legal guardian of a dependent child.

85 (2)

86 (b) However, with respect to a dependent child living with
87 an adult relative other than the child's parent, such child may

20-01177C-14

20141400__

88 qualify as a resident for tuition purposes if the adult relative
89 is a legal resident who has maintained legal residence in this
90 state for at least 12 consecutive months immediately before
91 ~~prior to~~ the child's initial enrollment in an institution of
92 higher education, provided the child has resided continuously
93 with such relative for the 3 5 years immediately before ~~prior to~~
94 the child's initial enrollment in an institution of higher
95 education, during which time the adult relative has exercised
96 day-to-day care, supervision, and control of the child.

97 (d) A dependent child who is a United States citizen may
98 not be denied classification as a resident for tuition purposes
99 based solely upon the immigration status of his or her parent.

100 (3)

101 (c) Each institution of higher education shall
102 affirmatively determine that an applicant who has been granted
103 admission to that institution as a Florida resident meets the
104 residency requirements of this section at the time of initial
105 enrollment. The residency determination must be documented by
106 the submission of written or electronic verification that
107 includes two or more of the documents identified in this
108 paragraph. Verification of the documents listed in sub-
109 subparagraphs 1.a.-d. may be satisfied by submission of an
110 affidavit by the person claiming residency. No single piece of
111 evidence shall be conclusive.

112 1. The documents must include at least one of the
113 following:

- 114 a. A Florida voter information ~~voter's registration~~ card.
115 b. A Florida driver ~~driver's~~ license.
116 c. A State of Florida identification card.

20-01177C-14

20141400__

- 117 d. A Florida vehicle registration.
- 118 e. Proof of a permanent home in Florida which is occupied
- 119 as a primary residence by the individual or by the individual's
- 120 parent if the individual is a dependent child.
- 121 f. Proof of a homestead exemption in Florida.
- 122 g. Transcripts from a Florida high school for multiple
- 123 years if the Florida high school diploma or GED was earned
- 124 within the last 12 months.
- 125 h. Proof of permanent full-time employment in Florida for
- 126 at least 30 hours per week for a 12-month period.
- 127 2. The documents may include one or more of the following:
- 128 a. A declaration of domicile in Florida.
- 129 b. A Florida professional or occupational license.
- 130 c. Florida incorporation.
- 131 d. A document evidencing family ties in Florida.
- 132 e. Proof of membership in a Florida-based charitable or
- 133 professional organization.
- 134 f. Any other documentation that supports the student's
- 135 request for resident status, including, but not limited to,
- 136 utility bills and proof of 12 consecutive months of payments; a
- 137 lease agreement and proof of 12 consecutive months of payments;
- 138 or an official state, federal, or court document evidencing
- 139 legal ties to Florida.
- 140 (4) With respect to a dependent child, the legal residence
- 141 of the dependent child's parent or parents is prima facie
- 142 evidence of the dependent child's legal residence, which
- 143 evidence may be reinforced or rebutted, relative to the age and
- 144 general circumstances of the dependent child, by the other
- 145 evidence of legal residence required of or presented by the

20-01177C-14

20141400__

146 dependent child. However, the legal residence of a dependent

147 child's parent or parents who are domiciled outside this state

148 is not prima facie evidence of the dependent child's legal

149 residence if that dependent child has lived in this state for 3

150 ~~5~~ consecutive years ~~before~~ ~~prior to~~ enrolling or reregistering

151 at the institution of higher education at which resident status

152 for tuition purposes is sought.

153 (5) A person who physically resides in this state may be

154 classified as a resident for tuition purposes if he or she

155 marries a person who meets the 12-month residency requirement

156 under subsection (2) and otherwise qualifies as a resident for

157 tuition purposes under this section in making a domiciliary

158 determination related to the classification of a person as a

159 resident or nonresident for tuition purposes, the domicile of a

160 married person, irrespective of sex, shall be determined, as in

161 the case of an unmarried person, by reference to all relevant

162 evidence of domiciliary intent. For the purposes of this

163 section:

164 ~~(a) A person shall not be precluded from establishing or~~

165 ~~maintaining legal residence in this state and subsequently~~

166 ~~qualifying or continuing to qualify as a resident for tuition~~

167 ~~purposes solely by reason of marriage to a person domiciled~~

168 ~~outside this state, even when that person's spouse continues to~~

169 ~~be domiciled outside of this state, provided such person~~

170 ~~maintains his or her legal residence in this state.~~

171 ~~(b) A person shall not be deemed to have established or~~

172 ~~maintained a legal residence in this state and subsequently to~~

173 ~~have qualified or continued to qualify as a resident for tuition~~

174 ~~purposes solely by reason of marriage to a person domiciled in~~

20-01177C-14

20141400__

175 ~~this state.~~

176 ~~(e) In determining the domicile of a married person,~~
 177 ~~irrespective of sex, the fact of the marriage and the place of~~
 178 ~~domicile of such person's spouse shall be deemed relevant~~
 179 ~~evidence to be considered in ascertaining domiciliary intent.~~

180 (6)

181 (d) A person classified as a nonresident for tuition
 182 purposes may be reclassified as a resident by subsequently
 183 marrying a person who meets the criteria to establish residency
 184 for tuition purposes. In order to be reclassified, a person must
 185 submit all of the following:

186 1. Evidence of his or her own physical residence in this
 187 state.

188 2. Evidence of marriage to a person who qualifies as a
 189 resident for tuition purposes under this section.

190 3. Documentation to support his or her spouse's residency
 191 classification. A person who is classified as a nonresident for
 192 tuition purposes and who marries a legal resident of the state
 193 or marries a person who becomes a legal resident of the state
 194 may, upon becoming a legal resident of the state, become
 195 eligible for reclassification as a resident for tuition purposes
 196 upon submitting evidence of his or her own legal residency in
 197 the state, evidence of his or her marriage to a person who is a
 198 legal resident of the state, and evidence of the spouse's legal
 199 residence in the state for at least 12 consecutive months
 200 immediately preceding the application for reclassification.

201 (8) After a student has been classified as a resident for
 202 tuition purposes, an institution of higher education is not
 203 required to reevaluate the classification unless inconsistent

20-01177C-14

20141400__

204 information suggests that an erroneous classification was made
 205 or the student breaks enrollment from the institution for a
 206 period of 12 months or longer. A person who has been properly
 207 classified as a resident for tuition purposes but who, while
 208 enrolled in an institution of higher education in this state,
 209 loses his or her resident tuition status because the person or,
 210 if he or she is a dependent child, the person's parent or
 211 parents establish domicile or legal residence elsewhere shall
 212 continue to enjoy the in-state tuition rate for a statutory
 213 grace period, which period shall be measured from the date on
 214 which the circumstances arose that culminated in the loss of
 215 resident tuition status and shall continue for 12 months.
 216 However, if the 12 month grace period ends during a semester or
 217 academic term for which such former resident is enrolled, such
 218 grace period shall be extended to the end of that semester or
 219 academic term.

220 (10) The following persons shall be classified as residents
 221 for tuition purposes:

222 (a) Active duty members of the Armed Services of the United
 223 States residing or stationed in this state, their spouses, and
 224 dependent children, and active drilling members of the Florida
 225 National Guard.

226 (b) Active duty members of the Armed Services of the United
 227 States and their spouses and dependents attending a Florida
 228 College System institution or state university within 50 miles
 229 of the military establishment where they are stationed, if such
 230 military establishment is within a county contiguous to Florida.

231 (c) Veterans of the Armed Services of the United States,
 232 including reserve components thereof, who were honorably

20-01177C-14

20141400__

233 discharged and who physically reside in this state while
 234 enrolled in an institution of higher education.

235 (d)~~(e)~~ United States citizens living on the Isthmus of
 236 Panama, who have completed 12 consecutive months of college work
 237 at the Florida State University Panama Canal Branch, and their
 238 spouses and dependent children.

239 (e)~~(d)~~ Full-time instructional and administrative personnel
 240 employed by state public schools and institutions of higher
 241 education and their spouses and dependent children.

242 (f)~~(e)~~ Students from Latin America and the Caribbean who
 243 receive scholarships from the federal or state government. Any
 244 student classified pursuant to this paragraph shall attend, on a
 245 full-time basis, a Florida institution of higher education.

246 (g)~~(f)~~ Southern Regional Education Board's Academic Common
 247 Market graduate students attending Florida's state universities.

248 (h)~~(g)~~ Full-time employees of state agencies or political
 249 subdivisions of the state when the student fees are paid by the
 250 state agency or political subdivision for the purpose of job-
 251 related law enforcement or corrections training.

252 (i)~~(h)~~ McKnight Doctoral Fellows and Finalists who are
 253 United States citizens.

254 (j)~~(i)~~ United States citizens living outside the United
 255 States who are teaching at a Department of Defense Dependent
 256 School or in an American International School and who enroll in
 257 a graduate level education program which leads to a Florida
 258 teaching certificate.

259 (k)~~(j)~~ Active duty members of the Canadian military
 260 residing or stationed in this state under the North American Air
 261 Defense (NORAD) agreement, and their spouses and dependent

20-01177C-14

20141400__

262 children, attending a Florida College System institution or
 263 state university within 50 miles of the military establishment
 264 where they are stationed.

265 (l)~~(k)~~ Active duty members of a foreign nation's military
 266 who are serving as liaison officers and are residing or
 267 stationed in this state, and their spouses and dependent
 268 children, attending a Florida College System institution or
 269 state university within 50 miles of the military establishment
 270 where the foreign liaison officer is stationed.

271 (m) Persons who receive a tuition exemption or waiver under
 272 s. 112.19(3), s. 112.191(3), s. 961.06(1)(b), s. 1009.25(1)(c),
 273 (d), or (f), or s. 1009.26(8) or (10).

274 (n) Students who attend a secondary school in this state
 275 for 3 consecutive years immediately before high school
 276 graduation, apply for enrollment in an institution of higher
 277 education within 24 months after graduation, and submit an
 278 official Florida high school transcript as documentary evidence
 279 of residence in this state. Students who are classified as
 280 residents for tuition purposes under this paragraph must also
 281 provide proof of United States citizenship to be eligible for
 282 state financial aid pursuant to s. 1009.40.

283 (13) The State Board of Education shall adopt rules, and
 284 the Board of Governors shall adopt regulations, ~~rules~~ to
 285 implement this section.

286 Section 2. Paragraphs (c) through (g) of subsection (3) of
 287 section 1009.22, Florida Statutes, are amended to read:

288 1009.22 Workforce education postsecondary student fees.—

289 (3)

290 (c) Effective July 1, 2014 ~~2014~~, for programs leading to a

20-01177C-14 20141400__

291 career certificate or an applied technology diploma, the
 292 standard tuition shall be \$2.33 ~~\$2.22~~ per contact hour for
 293 residents and nonresidents and the out-of-state fee shall be
 294 \$6.99 ~~\$6.66~~ per contact hour. For adult general education
 295 programs, a block tuition of \$45 per half year or \$30 per term
 296 shall be assessed for residents and nonresidents, and the out-
 297 of-state fee shall be \$135 per half year or \$90 per term. Each
 298 district school board and Florida College System institution
 299 board of trustees shall adopt policies and procedures for the
 300 collection of and accounting for the expenditure of the block
 301 tuition. All funds received from the block tuition shall be used
 302 only for adult general education programs. Students enrolled in
 303 adult general education programs may not be assessed the fees
 304 authorized in subsection (5), subsection (6), or subsection (7).

305 ~~(d) Beginning with the 2008-2009 fiscal year and each year~~
 306 ~~thereafter, the tuition and the out-of-state fee per contact~~
 307 ~~hour shall increase at the beginning of each fall semester at a~~
 308 ~~rate equal to inflation, unless otherwise provided in the~~
 309 ~~General Appropriations Act. The Office of Economic and~~
 310 ~~Demographic Research shall report the rate of inflation to the~~
 311 ~~President of the Senate, the Speaker of the House of~~
 312 ~~Representatives, the Governor, and the State Board of Education~~
 313 ~~each year prior to March 1. For purposes of this paragraph, the~~
 314 ~~rate of inflation shall be defined as the rate of the 12-month~~
 315 ~~percentage change in the Consumer Price Index for All Urban~~
 316 ~~Consumers, U.S. City Average, All Items, or successor reports as~~
 317 ~~reported by the United States Department of Labor, Bureau of~~
 318 ~~Labor Statistics, or its successor for December of the previous~~
 319 ~~year. In the event the percentage change is negative, the~~

20-01177C-14 20141400__

320 ~~tuition and out-of-state fee shall remain at the same level as~~
 321 ~~the prior fiscal year.~~

322 ~~(d)(e)~~ Each district school board and each Florida College
 323 System institution board of trustees may adopt tuition and out-
 324 of-state fees that may vary no more than 5 percent below and 5
 325 percent above the combined total of the standard tuition and
 326 out-of-state fees established in paragraph (c).

327 ~~(e)(f)~~ The maximum increase in resident tuition for any
 328 school district or Florida College System institution during the
 329 2007-2008 fiscal year shall be 5 percent over the tuition
 330 charged during the 2006-2007 fiscal year.

331 ~~(f)(g)~~ The State Board of Education may adopt, by rule, the
 332 definitions and procedures that district school boards and
 333 Florida College System institution boards of trustees shall use
 334 in the calculation of cost borne by students.

335 Section 3. Subsection (3) of section 1009.23, Florida
 336 Statutes, is amended to read:
 337 1009.23 Florida College System institution student fees.—
 338 (3) (a) Effective July 1, 2014 ~~2011~~, for advanced and
 339 professional, postsecondary vocational, developmental education,
 340 and educator preparation institute programs, the standard
 341 tuition shall be \$71.98 ~~\$68.56~~ per credit hour for residents and
 342 nonresidents, and the out-of-state fee shall be \$215.94 ~~\$205.82~~
 343 per credit hour.

344 (b) Effective July 1, 2014 ~~2011~~, for baccalaureate degree
 345 programs, the following tuition and fee rates shall apply:
 346 1. The tuition shall be \$91.79 ~~\$87.42~~ per credit hour for
 347 students who are residents for tuition purposes.
 348 2. The sum of the tuition and the out-of-state fee per

20-01177C-14

20141400__

349 credit hour for students who are nonresidents for tuition
 350 purposes shall be no more than 85 percent of the sum of the
 351 tuition and the out-of-state fee at the state university nearest
 352 the Florida College System institution.

353 ~~(e) Beginning with the 2008-2009 fiscal year and each year~~
 354 ~~thereafter, the tuition and the out-of-state fee shall increase~~
 355 ~~at the beginning of each fall semester at a rate equal to~~
 356 ~~inflation, unless otherwise provided in the General~~
 357 ~~Appropriations Act. The Office of Economic and Demographic~~
 358 ~~Research shall report the rate of inflation to the President of~~
 359 ~~the Senate, the Speaker of the House of Representatives, the~~
 360 ~~Governor, and the State Board of Education each year prior to~~
 361 ~~March 1. For purposes of this paragraph, the rate of inflation~~
 362 ~~shall be defined as the rate of the 12-month percentage change~~
 363 ~~in the Consumer Price Index for All Urban Consumers, U.S. City~~
 364 ~~Average, All Items, or successor reports as reported by the~~
 365 ~~United States Department of Labor, Bureau of Labor Statistics,~~
 366 ~~or its successor for December of the previous year. In the event~~
 367 ~~the percentage change is negative, the tuition and the out-of-~~
 368 ~~state fee per credit hour shall remain at the same levels as the~~
 369 ~~prior fiscal year.~~

370 Section 4. Paragraphs (a), (b), and (e) of subsection (4)
 371 of section 1009.24, Florida Statutes, are amended, and paragraph
 372 (g) is added to subsection (16) of that section, to read:

373 1009.24 State university student fees.—

374 (4) (a) Effective July 1, 2014 ~~2011~~, the resident
 375 undergraduate tuition for lower-level and upper-level coursework
 376 shall be \$103.32 per credit hour.

377 ~~(b) Beginning with the 2008-2009 fiscal year and each year~~

20-01177C-14

20141400__

378 ~~thereafter, the resident undergraduate tuition per credit hour~~
 379 ~~shall increase at the beginning of each fall semester at a rate~~
 380 ~~equal to inflation, unless otherwise provided in the General~~
 381 ~~Appropriations Act. The Office of Economic and Demographic~~
 382 ~~Research shall report the rate of inflation to the President of~~
 383 ~~the Senate, the Speaker of the House of Representatives, the~~
 384 ~~Governor, and the Board of Governors each year prior to March 1.~~
 385 ~~For purposes of this paragraph, the rate of inflation shall be~~
 386 ~~defined as the rate of the 12-month percentage change in the~~
 387 ~~Consumer Price Index for All Urban Consumers, U.S. City Average,~~
 388 ~~All Items, or successor reports as reported by the United States~~
 389 ~~Department of Labor, Bureau of Labor Statistics, or its~~
 390 ~~successor for December of the previous year. In the event the~~
 391 ~~percentage change is negative, the resident undergraduate~~
 392 ~~tuition shall remain at the same level as the prior fiscal year.~~

393 (d) ~~(e)~~ The sum of the activity and service, health, and
 394 athletic fees a student is required to pay to register for a
 395 course may ~~shall~~ not exceed 40 percent of the tuition
 396 established in law or in the General Appropriations Act. No
 397 university shall be required to lower any fee in effect on the
 398 effective date of this act in order to comply with this
 399 subsection. Within the 40 percent cap, universities may not
 400 increase the aggregate sum of activity and service, health, and
 401 athletic fees more than 5 percent per year, ~~or the same~~
 402 ~~percentage increase in tuition authorized under paragraph (b),~~
 403 ~~whichever is greater,~~ unless specifically authorized in law or
 404 in the General Appropriations Act. A university may increase its
 405 athletic fee to defray the costs associated with changing
 406 National Collegiate Athletic Association divisions. Any such

20-01177C-14 20141400__

407 increase in the athletic fee may exceed both the 40 percent cap
 408 and the 5 percent cap imposed by this subsection. Any such
 409 increase must be approved by the athletic fee committee in the
 410 process outlined in subsection (12) and ~~may not cannot~~ exceed \$2
 411 per credit hour. Notwithstanding ~~the provisions of~~ ss. 1009.534,
 412 1009.535, and 1009.536, that portion of any increase in an
 413 athletic fee pursuant to this subsection ~~which that~~ causes the
 414 sum of the activity and service, health, and athletic fees to
 415 exceed the 40 percent cap or the annual increase in such fees to
 416 exceed the 5 percent cap ~~may shall~~ not be included in
 417 calculating the amount a student receives for a Florida Academic
 418 Scholars award, a Florida Medallion Scholars award, or a Florida
 419 Gold Seal Vocational Scholars award. Notwithstanding this
 420 paragraph and subject to approval by the board of trustees, each
 421 state university ~~may is authorized to~~ exceed the 5 percent 5-
 422 ~~percent~~ cap on the annual increase to the aggregate sum of
 423 activity and service, health, and athletic fees for the 2010-
 424 2011 fiscal year. Any such increase ~~may shall~~ not exceed 15
 425 percent or the amount required to reach the 2009-2010 fiscal
 426 year statewide average for the aggregate sum of activity and
 427 service, health, and athletic fees at the main campuses,
 428 whichever is greater. The aggregate sum of the activity and
 429 service, health, and athletic fees ~~may shall~~ not exceed 40
 430 percent of tuition. Any increase in the activity and service
 431 fee, health fee, or athletic fee must be approved by the
 432 appropriate fee committee pursuant to subsection (10),
 433 subsection (11), or subsection (12).

434 (16) Each university board of trustees may establish a
 435 tuition differential for undergraduate courses upon receipt of

20-01177C-14 20141400__

436 approval from the Board of Governors. The tuition differential
 437 shall promote improvements in the quality of undergraduate
 438 education and shall provide financial aid to undergraduate
 439 students who exhibit financial need.

440 (g) Notwithstanding this subsection, effective July 1,
 441 2014, a state university board of trustees may not establish or
 442 increase a tuition differential for undergraduate courses as
 443 provided for in this subsection.

444 Section 5. Subsection (10) of section 1009.98, Florida
 445 Statutes, is amended to read:

446 1009.98 Stanley G. Tate Florida Prepaid College Program.-
 447 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.-
 448 (a) As used in this subsection, the term:

449 1. "Actuarial reserve" means the amount by which the
 450 expected value of the assets exceeds ~~exceed~~ the expected value
 451 of the liabilities of the trust fund.

452 2. "Dormitory fees" means the fees included under advance
 453 payment contracts pursuant to paragraph (2)(d).

454 3. "Fiscal year" means the fiscal year of the state
 455 pursuant to s. 215.01.

456 4. "Local fees" means the fees covered by an advance
 457 payment contract provided pursuant to subparagraph (2)(b)2.

458 5. "Tuition differential" means the fee covered by advance
 459 payment contracts sold pursuant to subparagraph (2)(b)3. The
 460 base rate for the tuition differential fee for the 2012-2013
 461 fiscal year is established at \$37.03 per credit hour. The base
 462 rate for the tuition differential in subsequent years is the
 463 amount assessed ~~paid by the board~~ for the tuition differential
 464 for the preceding year adjusted pursuant to subparagraph (b)2.

20-01177C-14

20141400__

465 (b) Effective with the 2009-2010 academic year and
 466 thereafter, and notwithstanding ~~the provisions of~~ s. 1009.24,
 467 the amount paid by the board to any state university on behalf
 468 of a qualified beneficiary of an advance payment contract whose
 469 contract was purchased before July 1, ~~2024~~ 2009, shall be:

470 1. As to registration fees, if the actuarial reserve is
 471 less than 5 percent of the expected liabilities of the trust
 472 fund, the board shall pay the state universities 5.5 percent
 473 above the amount assessed for registration fees in the preceding
 474 fiscal year. If the actuarial reserve is between 5 percent and 6
 475 percent of the expected liabilities of the trust fund, the board
 476 shall pay the state universities 6 percent above the amount
 477 assessed for registration fees in the preceding fiscal year. If
 478 the actuarial reserve is between 6 percent and 7.5 percent of
 479 the expected liabilities of the trust fund, the board shall pay
 480 the state universities 6.5 percent above the amount assessed for
 481 registration fees in the preceding fiscal year. If the actuarial
 482 reserve is equal to or greater than 7.5 percent of the expected
 483 liabilities of the trust fund, the board shall pay the state
 484 universities 7 percent above the amount assessed for
 485 registration fees in the preceding fiscal year, whichever is
 486 greater.

487 2. As to the tuition differential, if the actuarial reserve
 488 is less than 5 percent of the expected liabilities of the trust
 489 fund, the board shall pay the state universities 5.5 percent
 490 above the base rate for the tuition differential fee in the
 491 preceding fiscal year. If the actuarial reserve is between 5
 492 percent and 6 percent of the expected liabilities of the trust
 493 fund, the board shall pay the state universities 6 percent above

Page 17 of 19

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20-01177C-14

20141400__

494 the base rate for the tuition differential fee in the preceding
 495 fiscal year. If the actuarial reserve is between 6 percent and
 496 7.5 percent of the expected liabilities of the trust fund, the
 497 board shall pay the state universities 6.5 percent above the
 498 base rate for the tuition differential fee in the preceding
 499 fiscal year. If the actuarial reserve is equal to or greater
 500 than 7.5 percent of the expected liabilities of the trust fund,
 501 the board shall pay the state universities 7 percent above the
 502 base rate for the tuition differential fee in the preceding
 503 fiscal year.

504 3. As to local fees, the board shall pay the state
 505 universities 5 percent above the amount assessed for local fees
 506 in the preceding fiscal year.

507 4. As to dormitory fees, the board shall pay the state
 508 universities 6 percent above the amount assessed for dormitory
 509 fees in the preceding fiscal year.

510 5. Qualified beneficiaries of advance payment contracts
 511 purchased before July 1, 2007, are exempt from paying any
 512 tuition differential fee.

513 (c) Notwithstanding the amount assessed for registration
 514 fees, the tuition differential, or local fees, the amount paid
 515 by the board to any state university on behalf of a qualified
 516 beneficiary of an advanced payment contract with respect to the
 517 aggregate sum of those fees may not exceed 100 percent of the
 518 amount charged by the state university for the aggregate sum of
 519 those fees.

520 (d) Notwithstanding the amount assessed for dormitory fees,
 521 the amount paid by the board to any state university on behalf
 522 of a qualified beneficiary of an advanced payment contract with

Page 18 of 19

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20-01177C-14

20141400__

523 respect to that fee may not exceed 100 percent of the amount
524 charged by the state university for that fee.

525 ~~(e)~~ The board shall pay state universities the actual
526 amount charged ~~assessed~~ in accordance with law for registration
527 fees, the tuition differential, local fees, and dormitory fees
528 for advance payment contracts purchased on or after July 1, 2024
529 ~~2009~~.

530 ~~(f)~~ ~~(d)~~ The board shall annually evaluate or cause to be
531 evaluated the actuarial soundness of the trust fund.

532 Section 6. This act shall take effect July 1, 2014.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/14

Meeting Date

Topic Tuition Equity

Bill Number SB 1400
(if applicable)

Name Zachary Schultz

Amendment Barcode _____
(if applicable)

Job Title Student

Address 1358 fraser pine Blvd.
Street

Phone 941-350-0103

Sarasota
City

FL
State

34240
Zip

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Speaking: For Against Information

Representing Students for a Democratic Society

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)

3/18/14

Meeting Date

Topic Instate Tuition

Bill Number 1400
(if applicable)

Name Diego Ramirez

Amendment Barcode _____
(if applicable)

Job Title High school student

Address 38116 SW 194 Passage

Phone 305-242-8081

Street

Florida City

FL

33034

City

State

Zip

E-mail Diego.rmrz11@hotmail.com

Speaking: For Against Information

Representing Homestead Era

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)

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3/18/14

Meeting Date

Topic Undocumented student Tuition

Bill Number 1400
(if applicable)

Name Matt Brockelman

Amendment Barcode 142484
(if applicable)

Job Title Dir. of Gov. Affairs

Address 1 UNF Dr.

Phone 904-451-6549

Street

Jacksonville

FL

32224

City

State

Zip

E-mail m.brockelman@unf.edu

Speaking: For Against Information

Representing Univ. of North Florida SGA

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)

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3/18/14
Meeting Date

Topic Student Tuition

Bill Number SB 1400
(if applicable)

Name Brewster Bevis

Amendment Barcode _____
(if applicable)

Job Title Senior Vice President

Address 516 W. Adams St
Street

Phone 224-7173

Tallahassee FL 32301
City State Zip

E-mail bbevis@aificon

Speaking: For Against Information

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
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03/18/2014
Meeting Date

Topic Tuition (In-state) Post-Secondary

Bill Number SB 1402
(if applicable)

Name Francesca Mancs

Amendment Barcode _____
(if applicable)

Job Title Policy and Advocacy Coordinator

Address 2806 Biscayne Blvd, Suite 200
Street
Miami FL 33137
City State Zip

Phone (305) 571-7254

E-mail _____

Speaking: For Against Information

Representing Florida Immigrant Coalition

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

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3/18/14

Meeting Date

Topic Instate tuition.

Bill Number SB1400
(if applicable)

Name Saul Aleman

Amendment Barcode _____
(if applicable)

Job Title Peer Specialist @ Homesteads ERA

Address 30255 SW 158 ct.
Street

Phone 786-728-0450

Homestead. _____
City State Zip

E-mail saul.aleman1442@gmail.com

Speaking: For Against Information

Representing Homesteads ERA.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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3/18/14

Meeting Date

Topic Instate tuition

Bill Number SB1406
(if applicable)

Name Carlos Segura

Amendment Barcode _____
(if applicable)

Job Title ~~CEO~~ Youth advocate

Address 3724 Calle de Milagros

Phone 352-206-7763

Street
Dade City FL 33523
City State Zip

E-mail Carlos1889@yach.co.com

Speaking: For Against Information

Representing Immigrant youth

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

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3/18/14
Meeting Date

Topic Tuition Equity

Bill Number SB 1400
(if applicable)

Name Brianna Calderon-Roman

Amendment Barcode _____
(if applicable)

Job Title Student

Address 1335 Airport Dr. Unit A-6
Street

Phone (321) 295-6416

Tallahassee FL 32304
City State Zip

E-mail bib10@my.fsu.edu

Speaking: For Against Information

Representing Students for a Democratic Society FSU

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)

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3/18/14

Meeting Date

Topic INSTATE Tuition

Bill Number SB 1400
(if applicable)

Name MARGARITA ROMO

Amendment Barcode _____
(if applicable)

Job Title Director

Address 37240 Calle de Milagros

Phone 352-206 7763

Street

Dade City FL 33523

City

State

Zip

E-mail Romo1936@gmail.com

Speaking: For Against Information

Representing Immigrant Youth

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

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3/18/2014

Meeting Date

Topic SB 300 SB 1400, In-state tuition

Bill Number SB 300, SB 1400
(if applicable)

Name Camilo Razo

Amendment Barcode _____
(if applicable)

Job Title Student Pharmacist

Address 10261 SW 130th Ave

Phone 786-417-6488

Street

Miami

City

FL

State

33186

Zip

E-mail _____

Speaking: For Against Information

Representing Immigrant students in State of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Post Secondary Tuition

Bill Number 1400
(if applicable)

Name Ingrid Delgado

Amendment Barcode _____
(if applicable)

Job Title Associate for Social Concerns

Address W. Park Av.

Phone _____

Street

Tallahassee

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing Florida Conference of Catholic Bishops

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)

03/18/2014

Meeting Date

Topic in state tuition

Bill Number SB1400
(if applicable)

Name Nanci Palacios

Amendment Barcode _____
(if applicable)

Job Title Campaign for Citizenship Manager

Address 1014 Harold Ave

Phone 813 625 0496

Street

Seffner
City

FL
State

33584
Zip

E-mail npalacios@picoflorida.org

Speaking: For Against Information

Representing Pico united Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/14

Meeting Date

Topic In-State Tuition

Bill Number SB 1400
(if applicable)

Name Patricia Z. Reams

Amendment Barcode _____
(if applicable)

Job Title Retired

Address 14801 NW 15 Drive

Phone 305-688-0092

Street

Miami

FL 33167

City

State

Zip

E-mail pzreams@msn.com

Speaking: For Against Information

Representing Advocates 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
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 1512

INTRODUCER: Senator Stargel

SUBJECT: Students with Disabilities

DATE: March 17, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	Pre-meeting
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

I. Summary:

SB 1512 creates a new scholarship program called “Personalized Accounts for Learning” (PAL accounts) for kindergarten through grade 12 students with a disability, repeals the Special Diploma, and creates new pathways for students with disabilities who meet the requirements to earn a standard diploma.

The new scholarship program created by the bill:

- Specifies parent and student eligibility requirements, prohibitions, responsibilities and obligations;
- Delineates allowable expenditures related to elementary, secondary and postsecondary education expenses; and
- Provides funding, payment, and accountability responsibilities.

In addition to repealing the Special Diploma and Special Certificate of Completion as options for public school students beginning July 1, 2015, the bill:

- Requires postsecondary goals and career transition planning processes begin before a student with a disability turns age 14.
- Provides students with disabilities with an additional opportunity to satisfy the requirements for a standard high school diploma.

Additionally, the bill allows a student with a disability to defer receipt of the standard high school diploma if the individual education plan (IEP) prescribes special education or services through age 21 and the student meets high school graduation and other requirements.

Under the bill, the Commissioner of Education must grant a permanent exemption to a student who suffers from such a severe cognitive disability or physical disability that the student permanently lacks the capacity to take statewide, standardized assessments. The State Board of Education must adopt rules that include expediting the exemption process.

The bill prohibits a school district from imposing any additional requirements and from charging fees associated with private instructional personnel who are employed by the parent or under contract to observe a student in a public school setting or provide services in the educational setting.

Finally, the bill provides that parents of a student with a substantial reading deficiency must be provided with sample portfolios, specific information related to the criteria for review of a portfolio, as well as the required portfolio components.

The bill provides an effective date of July 1, 2014, unless otherwise provided.

II. Present Situation:

Individuals with Disabilities Education Act (IDEA)¹

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

For each eligible student or child with a disability served by a school district, or other state agency that provides special education and related services either directly, by contract, or through other arrangements, an individual educational plan (IEP) or individual family support plan must be developed, reviewed, and revised.⁴ In developing an IEP, the IEP team is required to consider a child's strengths, concerns of the parents for enhancing education, results of the initial evaluation or most recent evaluation of the child, and the academic, developmental, and functional needs of the child, as well as special factors.⁵

States receiving Individuals with Disabilities Education (IDEA) funds must comply with detailed procedural requirements, including identifying, evaluating, and making placements for students with disabilities and for developing an individualized education program for each student.⁶

Transition to Postsecondary Education and the Workforce

Citing research that students with disabilities are less likely than their peers to successfully transition from high school to postsecondary education or the workforce, the U.S. General Accounting Office (GAO) notes that these students face several longstanding challenges

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

² 20 U.S.C. § 1412(a)(1).

³ 20 U.S.C. § 1412(a)(11). 34 C.F.R. § 300.149.

⁴ Rule 6A-6.03028(3), F.A.C.

⁵ 20 U.S.C. s. 1414(d)(3)(A) and (B).

⁶ 20 U.S.C. § 1415.

accessing services that may assist them -- services such as tutoring, vocational training, and assistive technology.⁷ Eligible students with disabilities are entitled to transition planning services during high school, but after leaving high school, to receive services that facilitate their transition they must apply as adults and establish eligibility for programs administered by multiple federal agencies.⁸ Students with disabilities may face delays in service and end up on waitlists if these programs are full.⁹

The IDEA requires that beginning not later than the first IEP to be in effect when the student turns 16, school officials must include in the IEP measurable postsecondary goals related to training, education, employment, and where appropriate, independent living skills.¹⁰ The IEP also must specify the transition services¹¹ needed to assist the student in reaching those goals.¹² School officials are required to invite the student to a meeting where the transition services detailed in the IEP are discussed.¹³ When appropriate, they also must invite a representative of any participating outside agency that is likely to be responsible for providing or paying for services, with the prior consent of the parent or student who has reached the age of majority.¹⁴

During a Florida student's eighth grade year or during the school year of the student's 14th birthday, whichever occurs first, the IEP for a student with a disability must contain a statement of whether he or she is pursuing a course of study leading to a standard high school diploma or a special diploma.¹⁵ Current law provides that nothing limits or restricts the right of an exceptional student solely to a special diploma or special certificate of completion.¹⁶ A student must, upon

⁷ *Students with Disabilities, Better Coordination Could Lessen Challenges in the Transition from High School*, U.S. Government Accounting Office (GAO), GAO-12-594, July 12, 2012. See <http://gao.gov/products/GAO-12-594> (last visited February 22, 2014). Florida participated in the GAO review of federal programs.

⁸ *Id.* Students remain eligible for transition planning and services, as well as other IDEA services, until they graduate from high school with a regular high school diploma or exceed the earlier of age 21 or the eligibility age for a free appropriate public education under state law. 20 U.S.C. § 1412(a)(1)(B)-(C), 34 C.F.R. § 300.102(a)(3)(i) and (ii), and Rule 6A-6.03028(1)(a), F.A.C. While federal law authorizes students to receive a free appropriate public education up until age 22, eligibility for students aged 18-21 is determined by states. 20 U.S.C. § 1412(a)(1) and 34 C.F.R. § 300.102. In addition to IDEA, there are a range of services to support students with disabilities in their transition out of high school. The programs vary in the target population served, services provided, grant funding amounts, and other characteristics. In addition, they are administered through various federal agencies, each with its own eligibility requirements and application processes. GAO-12-594, July 12, 2012. Federally funded programs that provide transition services, as defined in the GAO report, are often delivered through state and local entities that have flexibility on how to administer services. *Id.*

⁹ *Students with Disabilities, Better Coordination Could Lessen Challenges in the Transition from High School*, U.S. Government Accounting Office (GAO), GAO-12-594, July 12, 2012.

¹⁰ 20 U.S.C. § 1414(d)(1)(A)(i)(VIII).

¹¹ Under IDEA, transition services are defined as a coordinated set of activities that (1) is designed to be within a results-oriented process focused on improving the academic and functional achievement of a child with a disability to facilitate the child's movement from school to post-school activities; (2) is based on the individual child's needs, strengths, preferences, and interests; and (3) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation. 20 U.S.C. § 1401(34). Transition services are also defined in Rule 6A-6.03411(1)(nn), F.A.C.

¹² 20 U.S.C. § 1414(d)(1)(A)(i)(VIII).

¹³ 20 U.S.C. § 1414(d)(1)(B)(vi), 34 C.F.R. § 300.321, and Rule 6A-6.03028(3)(c)7., F.A.C.

¹⁴ 20 U.S.C. § 1414(d)(1)(B)(vi), 34 C.F.R. § 300.321(b)(3), and Rule 6A-6.03028(3)(c)8., F.A.C. At the discretion of the parent or the agency, the IEP team may include other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. 20 U.S.C. § 1414(d)(1)(B)(vi), 34 C.F.R. § 300.321(a)(6) and (c), and Rule 6A-6.03028(3)(c)6., F.A.C.

¹⁵ Rule 6A-1.09961(2)(b), F.A.C., and Rule 6A-6.03028(3)(h)8., F.A.C.

¹⁶ Section 1003.438, F.S.

proper request, be afforded the opportunity to fully meet all requirements and procedures in law¹⁷ and qualify for a standard diploma upon graduation.¹⁸

Florida High School Diploma

Currently Florida public high school students have four options for obtaining a standard high school diploma -- a traditional 4-year, 24-credit option;¹⁹ an 18-credit graduation option;²⁰ or completion of an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) curriculum.²¹ In addition, current law requires each school district to adopt an early graduation policy allowing a high school student who completes 24 credits in less than eight semesters and meets the GPA and assessment requirements to graduate early.²² A student who fails to meet the required credits or achieve a 2.0 GPA must be awarded a certificate of completion.²³ The state is not obligated to provide special education and related services to a student with a disability who has graduated from high school with a standard diploma.²⁴ This provision does not apply to a student who has graduated from high school, but has not been awarded a regular high school diploma.²⁵ A standard diploma does not include an alternative degree that is not fully aligned with the state's academic standards, such as a certificate of completion or a general educational development credential (GED).²⁶

Florida Special Diploma

A student with a disability²⁷ must be awarded a special diploma upon meeting a combination of state and district school board requirements that are included in the district-adopted student progression plan.²⁸ School boards may award special diplomas based on two options.²⁹ For students entering ninth grade in or after 1999-2000, special diploma requirements for the first option must include.³⁰

¹⁷ Sections 1003.428 or 1003.4282, F.S., as applicable.

¹⁸ Section 1003.438, F.S.

¹⁹ Section 1003.428, F.S., established high school graduation requirements beginning with students entering grade 9 in the 2007-2008 school year. Section 1003.4282, F.S., established high school graduation requirements for students entering grade 9 in the 2013-2014 school year and thereafter.

²⁰ Section 1002.3105(5), F.S. Effective July 1, 2013, students may earn a standard high school diploma in 18 credits by achieving a 2.0 GPA; earning credit in the same 15 English Language Arts, mathematics, science, social studies, and fine and performing arts courses required under the traditional 24-credit option; and earning 3 elective credits, instead of the 6 electives required by the 24-credit option.

²¹ Sections 1003.428 and 1003.4282, F.S.

²² Section 1003.4281, F.S.,

²³ Section 1003.4282(7), F.S.

²⁴ 20 U.S.C. § 1412(a)(1)(B)-(C), 34 C.F.R. § 300.102(a)(3)(i), and Rule 6A-6.03028(1)(a), F.A.C.

²⁵ 34 C.F.R. § 300.102(a)(3)(ii).

²⁶ 20 U.S.C. § 1412(a)(1)(B)-(C), 34 C.F.R. § 300.102(a)(3)(i), and Rule 6A-6.03028(1)(a), F.A.C.

²⁷ Section 1003.438, F.S., applies to a student who has been identified, in accordance with State Board of Education rules, as a student with a disability who has an intellectual disability; an autism spectrum disorder; a language impairment; an orthopedic impairment; another health impairment; a traumatic brain injury; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; or a student who is deaf or hard of hearing or dual sensory impaired.

²⁸ Section 1003.438, F.S., Rule 6A-1.09401(1) and (3), F.A.C., and Rule 6A-1.09961(2)(c), F.A.C.

²⁹ Rule 6A-1.09961(1), F.A.C.

³⁰ Rule 6A-1.09961(1), F.A.C.

- Demonstration of proficiency at the independent, supported, or participatory level of each Florida academic standard for a special diploma, as determined through the IEP process;³¹ or
- Mastery of Florida's academic standards through successful completion of courses that meet graduation requirements for a standard diploma;³² and
- Completion of the minimum number of course credits for a special diploma as prescribed by the school board.³³

The second option requires district school boards to include procedures for determining and certifying mastery of demonstrated employment and community competencies to ensure that the student:³⁴

- Has achieved all the annual goals and short-term objectives which were specified on the IEP related to the employment and community competencies;
- Is employed in a community-based job, for the number of hours per week specified in the student's training plan, for the equivalent of one semester, and paid a minimum wage in compliance with the requirements of the Fair Labor Standards Act; and
- Has mastered the employment and community competencies specified in a training plan. The training plan must be developed and signed by the student, parent, teacher, and employer prior to placement in employment.

Each school board must develop procedures for ensuring that students may select and move between the special diploma options, if both options are provided by the school district, and between courses of study leading to standard or special diplomas, as appropriate.³⁵ A student who meets all special requirements of the district school board, but fails to meet the appropriate special state minimum requirements must be awarded a special certificate of completion.³⁶

Extraordinary Exemption

Current law provides a process for granting an extraordinary exemption from administration of a statewide, standardized assessment for a student with a disability who is prevented by a circumstance or condition from physically demonstrating the mastery of acquired skills that are measured by a statewide standardized assessment.³⁷ The IEP team may request an exemption from testing during a particular testing window.³⁸ The request must be made to the district superintendent who must make a recommendation to the Commissioner of Education. A parent is permitted to appeal the Commissioner's decision.³⁹

³¹ Rule 6A-1.09961(12)(a), F.A.C.

³² Rule 6A-1.09961(13), F.A.C.

³³ Rule 6A-1.09961(12)(b), F.A.C.

³⁴ Rule 6A-1.09961(14), F.A.C. The DOE notes that students seeking this option may also earn course credits, which are determined by the school board. The DOE also notes that in 2012, eight districts reported that they did not offer this option. DOE correspondence, February 24, 2014. On file with the Senate Education committee.

³⁵ Rule 6A-1.09961(2)(a), F.A.C.

³⁶ Section 1003.438, F.S.

³⁷ Section 1008.212, F.S.

³⁸ *Id.*

³⁹ *Id.*

III. Effect of Proposed Changes:

Personalized Accounts for Learning

SB 1512 creates personalized accounts for learning for kindergarten through grade 12 students with a disability. The bill specifies parent and student obligations, delineates allowable expenditures related to elementary, secondary and postsecondary education, and provides funding and payment responsibilities.⁴⁰

Student Eligibility

A parent may establish and maintain a personalized account if his or her child:

- Is a resident of this state;
- Is eligible to enroll in kindergarten through grade 12 in a Florida public school;
- Has a disability and is eligible for exceptional student education (ESE) support Levels 3, 4, or 5; and
- Has an IEP written in accordance with State Board of Education rule.

Students who are enrolled in a public school⁴¹ or a school that provides educational services in Department of Juvenile Justice commitment programs are not eligible. Students are not eligible if they are receiving an educational scholarship pursuant to chapter 1002, F. S. Additionally, a student is not eligible if:

- The student or student's parent has accepted any payment, refund, or rebate from a provider of any services received while participating in the program;
- The student's participation in the program has been denied or revoked by the Commissioner of Education; or
- The student's parent has forfeited participation in the program for failure to comply with the program's requirements.

Parent and Student Obligations

A parent who applies for program participation is exercising his or her parental option to determine the appropriate placement or services that best meet the needs of his or her child.

Parents are responsible for the following:

- Signing an agreement with the DOE and annually submitting a notarized, sworn compliance statement to the department to:
 - Affirm that the student meets minimum student attendance requirements;⁴²

⁴⁰ Disability means autism, as defined in s. 393.063(3), F.S.; cerebral palsy, as defined in s. 393.063(4), F.S.; Down syndrome, as defined in s. 393.063(13), F.S.; an intellectual disability, as defined in s. 393.063(21), F.S.; Prader-Willi syndrome, as defined in s. 393.063(25), F.S.; or Spina bifida, as defined in s. 393.063(36), F.S.; and, for a student in kindergarten, being a high-risk child, as defined in s. 393.063(20)(a), F.S.

⁴¹ This includes the Florida School for the Deaf and the Blind, the Florida Virtual School, the College-Preparatory Boarding Academy, a developmental research school, a charter school, or a virtual education program authorized under s. 1002.45, F.S.

⁴² Pursuant to s. 1003.01, F.S., "regular school attendance" means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. 1003.21, F.S., may be achieved by attendance in: a public school supported by public funds; a parochial, religious, or denominational school; a private school supported in whole or in part by tuition charges or by endowments or gifts; a home education program that

- Use funds only for authorized purposes;
- Affirm that the student takes all appropriate standardized assessments, as specified in the student's IEP;⁴³
- Requesting participation in the program at least 60 days before the date of the first program payment;
- Affirming that the student remains in good standing with the provider or school if those options are selected by the parent;
- Affirming that the parent will not transfer any college savings funds to another beneficiary and will not take possession of any funding contributed by the state;
- Applying for admission of his or her child to a private school if this option is selected by the parent.
- Annually renewing participation in the program;⁴⁴ and
- Designating in writing the authorized financial institution to receive payment of program funds and maintaining a separate personalized account for learning at that institution.

A parent who fails to comply with these requirements forfeits the personalized account.

Allowable Expenditures

Funds from the account may be used for the following, as specified in the student's IEP:

- Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content;
- Curriculum;
- Specialized services selected by the parent and specified in the student's IEP, including, but not limited to applied behavior analysis services⁴⁵ and services provided by speech-language pathologists,⁴⁶ occupational therapists,⁴⁷ physical therapists,⁴⁸ and listening and spoken language specialists;
- Enrollment in, or tuition or fees associated with enrollment in, an eligible private school, an eligible postsecondary educational institution, a private tutoring program,⁴⁹ a virtual program offered by a DOE-approved private online provider,⁵⁰ or an approved online course;⁵¹
- Fees for assessments specified in the student's IEP;

meets the requirements of chapter 1002, F.S.; or a private tutoring program that meets the requirements of chapter 1002, F.S. See also ss. 1003.21 and 1003.24, F.S.

⁴³ A student must take the appropriate assessments that are specified in the IEP. The bill requires the assessment scores to be reported to an independent research organization for evaluation. This entity must report to the DOE the year-to-year learning gains of participating students. There is a similar requirement for the Florida Tax Credit Scholarship Program in s. 1002.395(9)(j), F.S.

⁴⁴ Under the bill, a student who was previously eligible for participation in the program remains eligible to apply for renewal even if there were changes to the student's IEP.

⁴⁵ See ss. 627.6686 and 641.31098, F.S.

⁴⁶ See s. 468.1125, F.S.

⁴⁷ See s. 468.203, F.S.

⁴⁸ See s. 486.021, F.S.

⁴⁹ See s. 1002.43, F.S.

⁵⁰ See s. 1002.45(2)(a), F.S.

⁵¹ See ss. 1003.499 or 1004.0961, F.S.

- Contributions to a Coverdell education savings account for the benefit of the eligible student;⁵² and
- Contracted services provided by a public school or school district, including classes and extracurricular programs for the services specified in the IEP or additional services.

A student who receives services under a contract is not considered to be enrolled in a public school for eligibility purposes.

A specialized service provider, eligible private school, eligible postsecondary educational institution, private tutoring program provider, online or virtual program provider, public school, school district, or other entity receiving payments may not share, refund, or rebate any moneys from the personalized account with the parent or participating student.

Term of the Program

Under the bill, the payments made remain in force until a student fails to comply with the program requirements, has funds revoked by the Commissioner of Education, or returns to a public school, graduates from high school, or reaches 22 years of age, whichever occurs first. A participating student who enrolls in a public school or public school program is considered to have returned to a public school.

Funding and Payment

When a parent indicates that he or she wants to participate in the program, the child may or may not have a matrix of services. Under current law, only public school students with education cost factors for support levels IV and V must have a matrix that documents the services that each student will receive.⁵³ The nature and intensity of the services on the matrix must be consistent with the services in the student's IEP.⁵⁴ School districts must complete a matrix of services for all students participating in the program.

The bill provides for the calculation of funds to be awarded for a student. The amount of funds awarded accounts for 90 percent of the calculated amount.

The districts must report all students participating in the program. The DOE must notify authorized financial institutions of the students who are approved to participate in the program. Participating students who were previously reported in the Florida Education Finance Program (FEFP) and nonpublic school students⁵⁵ must be reported separately. Before the first payment, the DOE must have all documentation required for participating students. The DOE is responsible for transferring funds, as applicable, from a school district's total funding entitlement under the FEFP or from an appropriation for disbursement by the Chief Financial Officer to a personalized account at an authorized institution on behalf of the parent and student.

⁵² 26 U.S.C. § 530 of the Internal Revenue Code.

⁵³ Section 1011.62(1)(e), F.S.

⁵⁴ *Id.*

⁵⁵ Nonpublic school students are awarded funds on a first-come, first-served basis.

- A combination of appropriate course substitutions, assessments, industry certifications, and other options that meet the criteria specified in State Board of Education rule.
- A portfolio of quantifiable evidence documenting a student's mastery of academic standards using rigorous metrics that are specified in State Board of Education rule.⁵⁸

These provisions apply to students entering grade 9 in the 2014-2015 school year.

The bill also creates a new designation for a standard high school diploma.

The bill allows a student to defer receipt of the standard high school diploma if the IEP prescribes special education or services through age 21, the student meets the high school graduation requirements, and is enrolled in accelerated college credit instruction, industry certification courses that lead to college credit, a collegiate high school program, courses necessary to satisfy the Scholar designation requirements, or a structured work-study, internship, or pre-apprenticeship program. Additionally, the bill allows a student who receives a certificate of completion and has an IEP that prescribes special education, transition planning, transition services, or related services through 21 years of age to continue to receive the specified instruction and services.

Statewide, Standardized Assessments

A student with a disability for whom the individual education plan (IEP) team determines that the statewide, standardized assessments cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, must have assessment results waived for the purpose of receiving a course grade and a standard high school diploma.⁵⁹ The waiver must be designated on the student's transcript.

Based on information that a reasonably prudent person would rely upon, the Commissioner of Education must grant a permanent exemption to a student who suffers from such a severe cognitive disability or physical disability that the student permanently lacks the capacity to take statewide, standardized assessments. The State Board of Education must adopt rules that include expediting the exemption process.

Other

Current law authorizes private instructional personnel who are employed by the parent or under contract to observe a student in a public school setting or provide services in the educational

⁵⁸ A portfolio may consist of documented work experience, internships, and community service.

⁵⁹ Section 1008.22(3)(c)2., F.S. This applies to any student who is documented as having an intellectual disability; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; an emotional or behavioral disability; an orthopedic or other health impairment; an autism spectrum disorder; a traumatic brain injury; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia. Section 1007.02(2), F.S.

setting at a time agreed upon by the private instructional personnel and the school.⁶⁰ The bill prohibits a school district from imposing any additional requirements and from charging fees.

Any third-grade student scoring Level 1 on a statewide, standardized assessment for grade 3 students must be retained in third grade.⁶¹ Some students may qualify for a good cause exemption and be promoted to fourth grade.⁶² Through a student portfolio, a student may be promoted to fourth grade if he or she demonstrates at least a Level 2 performance on the statewide standardized assessment.⁶³ The bill provides that parents of a student with a substantial reading deficiency must be provided with sample portfolios, specific information related to the criteria for review of a portfolio, as well as the required portfolio components.

The bill provides an effective date of July 1, 2014, unless otherwise provided.

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:

Article IX, s. 1, Fla. Const., provides in part that “[a]dequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people require.” The Opportunity Scholarship Program was found unconstitutional as fostering plural, nonuniform systems of education in direct violation of the constitutional mandate for a uniform system of free public schools. *Bush v. Holmes*, 919 So.2d 392 (Fla. 2006). However, the Court also noted that “[w]e reject the suggestion by the State and amici that other publicly funded educational and welfare programs would necessarily be affected by our decision. Other educational programs, such as the program for exceptional students at issue in *Scavella*, are structurally different from the OSP, which provides a systematic private school alternative to the public school system mandated by our constitution.” *Id.* at 412.

⁶⁰ Section 1003.572(3), F.S. These personnel include licensed speech-language pathologists, occupational therapists, physical therapists, and psychologists and must meet the background screening requirements in s. 1012.32 or s. 1012.321, F.S.

⁶¹ Section 1008.25(5)(b), F.S.

⁶² Section 1008.25(6)(b), F.S.

⁶³ Section 1008.25(6)(b)4., F.S.

Article I, s. 3., Fla. Const., provides in that that “[n]o revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.” The Opportunity Scholarship Program was found unconstitutional under the no-aid provision to the extent that the program authorized state funds to be paid to sectarian schools. *See, Bush v. Holmes*, 886 So.2d 340 (Fla. 1st DCA 2004). The Court also noted in dicta in *Holmes* that “nothing in the Florida no-aid provision would create a constitutional bar to state aid to a nonprofit institution that was not itself sectarian, even if the institution is affiliated with a religious order or religious organization.” *Bush v. Holmes*, 886 So.2d 340, 362 (Fla. 1st DCA 2004). Likewise, “[a] government program that merely purchase at market prices secular services or products from a church, synagogue, or mosque would not, by itself, violate the no-aid provision”, but “does not remove such social services program from examination under the no-aid provision.” *Council For Secular Humanism v. McNeil*, 44 So.3d 112, 119 (Fla. 1st DCA 2010)

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

As of March 16, 2014, there was no agency bill analysis available from the Florida Department of Education.

An eligible student includes a student who is eligible to enroll in kindergarten through grade 12 in a Florida public school. The fiscal impact is indeterminate and would be mitigated to a certain extent if a student would have enrolled in a public school, absent the program.

VI. Technical Deficiencies:

Line 164 should reference the *written* record of a parent’s request to participate in the PAL program. Line 389 should reference rules of the State Board of Education rather than rules of the Department of Education.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.81, 409.1451, 1003.4282, 1003.4285, 1003.5716, 1003.572, 1007.263, and 1008.25.

This bill creates the following sections of the Florida Statutes: 1002.385 and 1008.2121.
This bill repeals the following sections of the Florida Statutes: 1003.438.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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



171226

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2014	.	
	.	
	.	
	.	

The Committee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1002.385, Florida Statutes, is created
to read:

1002.385 Florida Personalized Accounts for Learning.-

(1) ESTABLISHMENT OF PROGRAM.-The Florida Personalized
Accounts for Learning is established to provide the option for a
parent to better meet the individual educational needs of his or
her eligible child.



171226

12 (2) DEFINITIONS.—As used in this section, the term:

13 (a) "Approved provider" means a provider approved by the
14 Agency for Persons with Disabilities and a provider approved by
15 the department pursuant to s. 1002.66.

16 (b) "Authorized financial institution" means the
17 institution that is designated in writing by the parent to
18 receive payment of program funds into the parent's personalized
19 account for learning at such institution.

20 (c) "Chief Financial Officer" means the chief fiscal
21 officer of this state, as defined in s. 17.001.

22 (d) "Curriculum" means a complete course of study for a
23 particular content area or grade level, including any required
24 supplemental materials.

25 (e) "Department" means the Department of Education.

26 (f) "Disability" means, for a student in kindergarten to
27 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,
28 as defined in s. 393.063(4); Down syndrome, as defined in s.
29 393.063(13); an intellectual disability, as defined in s.
30 393.063(21); Prader-Willi syndrome, as defined in s.
31 393.063(25); or Spina bifida, as defined in s. 393.063(36); for
32 a student in kindergarten, being a high-risk child, as defined
33 in s. 393.063(20)(a); and Williams syndrome.

34 (g) "Eligible postsecondary educational institution" means
35 a Florida College System institution, a state university, a
36 school district technical center, a school district adult
37 general education center, or an accredited nonpublic
38 postsecondary educational institution, as defined in s. 1005.02,
39 which is licensed to operate in the state pursuant to
40 requirements specified in part III of chapter 1005.



171226

41 (h) "Eligible private school" means a private school, as
42 defined in s. 1002.01, which is located in this state, which
43 offers an education to students in any grade from kindergarten
44 to grade 12, and which meets requirements of ss. 1002.42 and
45 1002.421.

46 (i) "IEP" means individual education plan.

47 (j) "Parent" means a resident of this state who is a
48 parent, as defined in s. 1000.21.

49 (k) "Program" means the Florida Personalized Accounts for
50 Learning established in this section.

51 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
52 disability may request and receive from the state a Florida
53 personalized account for learning for the purposes specified in
54 subsection (5) if:

55 (a) The student:

56 1. Is a resident of this state;

57 2. Is eligible to enroll in kindergarten through grade 12
58 in a public school in this state;

59 3. Has a disability as defined in paragraph (2) (e) and is
60 eligible for Level 3 to Level 5 services; and

61 4. Is the subject of an IEP written in accordance with
62 rules of the State Board of Education; and

63 (b) The parent has requested from the department a
64 participation in the program at least 60 days before the date of
65 the first payment. The request must be communicated directly to
66 the department in a manner that creates a written or electronic
67 record of the request and the date of receipt of the request.
68 The department must notify the district of the parent's intent
69 upon receipt of the parent's request.



171226

70 (4) PROGRAM PROHIBITIONS.—
71 (a) A student is not eligible for the program while he or
72 she is:
73 1. Enrolled in a public school, including, but not limited
74 to, the Florida School for the Deaf and the Blind, the Florida
75 Virtual School, the College-Preparatory Boarding Academy, a
76 developmental research school authorized under s. 1002.32, a
77 charter school authorized under s. 1002.33, s. 1002.331, or s.
78 1002.332, or a virtual education program authorized under s.
79 1002.45;
80 2. Enrolled in a school operating for the purpose of
81 providing educational services to youth in the Department of
82 Juvenile Justice commitment programs;
83 3. Receiving a scholarship pursuant to the Florida Tax
84 Credit Scholarship Program under s. 1002.395 or the John M.
85 McKay Scholarships for Students with Disabilities Program under
86 s. 1002.39; or
87 4. Receiving an educational scholarship pursuant to this
88 chapter.
89 (b) A student is not eligible for the program if:
90 1. The student or student's parent has accepted any
91 payment, refund, or rebate, in any manner, from a provider of
92 any services received pursuant to subsection (5);
93 2. The student's participation in the program has been
94 denied or revoked by the Commissioner of Education pursuant to
95 subsection (9); or
96 3. The student's parent has forfeited participation in the
97 program for failure to comply with requirements pursuant to
98 subsection (10).



171226

99 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be
100 spent for the following purposes, as specified in the student’s
101 IEP or the portion of the IEP regarding the transition of the
102 student to postsecondary education and career opportunities
103 pursuant to s. 1003.5716:

104 (a) Instructional materials, including digital devices,
105 digital periphery devices, and assistive technology devices that
106 allow a student to access instruction or instructional content.

107 (b) Curriculum as defined in paragraph (2)(c).

108 (c) Specialized services by approved providers that are
109 selected by the parent and specified in the student’s IEP. These
110 specialized services may include, but are not limited to:

111 1. Applied behavior analysis services as provided in ss.
112 627.6686 and 641.31098.

113 2. Services provided by speech-language pathologists as
114 defined in s. 468.1125.

115 3. Occupational therapy services as defined in s. 468.203.

116 4. Services provided by physical therapists as defined in
117 s. 486.021.

118 5. Services provided by listening and spoken language
119 specialists and an appropriate acoustical environment for a
120 child who is deaf or hard of hearing and who has received an
121 implant or assistive hearing device.

122 (d) Enrollment in, or tuition or fees associated with
123 enrollment in, an eligible private school, an eligible
124 postsecondary educational institution, a private tutoring
125 program authorized under s. 1002.43, a virtual program offered
126 by a department-approved private online provider that meets the
127 provider qualifications specified in s. 1002.45(2)(a), or an



171226

128 approved online course offered pursuant to ss. 1003.499 or
129 1004.0961.

130 (e) Fees for nationally standardized, norm-referenced
131 achievement tests, Advanced Placement Examinations, industry
132 certification examinations, assessments related to postsecondary
133 education, or other assessments specified in the student's IEP.

134 (f) Contributions to a Coverdell education savings account
135 established pursuant to 26 U.S.C. s. 530 of the Internal Revenue
136 Code for the benefit of the eligible student.

137 (g) Contracted services provided by a public school or
138 school district, including classes and extracurricular programs
139 for the services specified in the IEP or additional services. A
140 student who receives services under a contract under this
141 paragraph shall not be considered to be enrolled in a public
142 school for eligibility purposes as specified in subsection (4).

143
144 A specialized service provider, eligible private school,
145 eligible postsecondary educational institution, private tutoring
146 program provider, online or virtual program provider, public
147 school, school district, or other entity receiving payments
148 pursuant to this subsection may not share, refund, or rebate any
149 moneys from the Florida Personalized Account for Learning with
150 the parent or participating student in any manner.

151 (6) TERM OF THE PROGRAM.—For purposes of continuity of
152 educational choice, the program payments made under this section
153 shall remain in force until a student participating in the
154 program participates in any of the prohibited activities
155 specified in subsection (4), has funds revoked by the
156 Commissioner of Education pursuant to subsection (9), or returns



171226

157 to a public school, graduates from high school, or reaches 22
158 years of age, whichever occurs first. A participating student
159 who enrolls in a public school or public school program is
160 considered to have returned to a public school for the purpose
161 of determining the end of the program's term.

162 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

163 (a) By April 1 of each year and within 10 days after an IEP
164 meeting, a school district shall notify the parent of the
165 student who meets eligibility requirements under subsection (3)
166 of the option to participate in the program.

167 (b)1. For a student with a disability who does not have a
168 matrix of services under s. 1011.62(1)(e), the school district
169 shall complete a matrix that assigns the student to one of the
170 levels of service as they existed before the 2000-2001 school
171 year.

172 2.a. Within 10 school days after a school district receives
173 notification of a parent's request for participation in the
174 program under this section, the school district shall notify the
175 student's parent if the matrix of services has not been
176 completed and inform the parent that the district is required to
177 complete the matrix within 30 days after receiving notice of the
178 parent's request for participation. This notice must include the
179 required completion date for the matrix.

180 b. The school district shall complete the matrix of
181 services for a student who is participating in the program and
182 shall notify the department of the student's matrix level within
183 30 days after receiving notification of a request to participate
184 in the program. The school district must provide the student's
185 parent with the student's matrix level within 10 school days



171226

186 after its completion.

187 c. The department shall notify the parent of the amount of
188 the funds awarded within 10 days after receiving the school
189 district's notification of the student's matrix level.

190 d. A school district may change a matrix of services only
191 if the change is to correct a technical, typographical, or
192 calculation error.

193 (c) For each student participating in the program who takes
194 statewide, standardized assessments under s. 1008.22, the school
195 district in which the student resides must notify the student
196 and his or her parent about the locations and times to take all
197 statewide, standardized assessments.

198 (d) For each student participating in the program, a school
199 district shall notify the parent about the availability of a
200 reevaluation at least every 3 years.

201 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
202 shall:

203 (a) Establish an annual enrollment period and a process in
204 which a parent may apply to enroll his or her student in the
205 program. The enrollment period shall begin on July 1 and end on
206 May 1 of each year for applications for the following state
207 fiscal year. All applications must be approved by June 1 of each
208 year for program participation for the following fiscal year.

209 (b) Conduct or contract for annual audits of the program to
210 ensure compliance with this section.

211 (c) Notify the authorized financial institution of students
212 who are approved to participate in the program. The notice must
213 be made annually by June 1, after the department processes all
214 applications to participate in the program.



171226

215 (d) Establish a process by which a person may notify the
216 department of any violation of laws or rules relating to
217 participation in the program. The department shall conduct an
218 inquiry of all signed, written, and legally sufficient
219 complaints that allege a violation of this section or make a
220 referral to the appropriate agency for an investigation. A
221 complaint is legally sufficient if it contains ultimate facts
222 showing that a violation of this section or a violation of a
223 rule adopted under this section has occurred. In order to
224 determine legal sufficiency, the department may require
225 supporting information or documentation from the complainant. A
226 department inquiry is not subject to the requirements of chapter
227 120.

228 (e) Compare the list of students participating in the
229 program with the public school enrollment lists before each
230 program payment to avoid duplicate payments.

231 (f) Select an independent research organization, which may
232 be a public or private entity or university, to which
233 participating entities must report the scores of students
234 participating in the program on the standardized assessments
235 administered by the schools as specified in the IEP.

236 1. The independent research organization shall annually
237 issue a report to the department which includes:

238 a. The year-to-year learning gains of students
239 participating in the program.

240 b. To the extent possible, a comparison of the learning
241 gains of students in the program to the statewide learning gains
242 of public school students having backgrounds similar to those of
243 the students in the program. In order to minimize the costs and



171226

244 time that the independent research organization requires for
245 analysis and evaluation, the department shall conduct analyses
246 of assessment data from matched students in public schools and
247 shall calculate the learning gains of control groups using a
248 methodology outlined in the contract with the independent
249 research organization.

250 c. The aggregate year-to-year learning gains of students in
251 the program in each participating entity in which there are at
252 least 30 participating students that have scores for tests for 2
253 consecutive years at that entity.

254 2. The sharing and reporting of the learning gains of
255 students pursuant to this paragraph must be in accordance with
256 the Family Educational Rights and Privacy Act, 20 U.S.C. s.
257 1232g, and shall be for the sole purpose of creating the annual
258 report required under subparagraph 1. All parties shall preserve
259 the confidentiality of such information as required by law. The
260 independent research organization may not disaggregate data in
261 its annual report to a level that identifies individual
262 participating entities, except as required under sub-
263 subparagraph 1.c., or disclose the academic level of individual
264 students.

265 3. The department shall publish on its website the annual
266 report required by subparagraph 1.

267 (g) Coordinate with state-funded or federally funded
268 benefits programs to advise a parent about the possible effect
269 his or her child's participation in the program under this
270 section may have on the child's eligibility for participating in
271 those state-funded or federally funded benefits programs.

272 (h) Issue a report by December 15, 2014, and annually



171226

273 thereafter to the Governor, the President of the Senate, and the
274 Speaker of the House of Representatives describing the
275 implementation of accountability mechanisms for the program,
276 identifying any substantial allegations and violations of a law
277 or rule governing the program, and describing the corrective
278 actions taken by the department relating to violations of a law
279 or rule governing the program.

280 (9) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

281 (a) The Commissioner of Education:

282 1. Shall deny, suspend, or revoke a student's participation
283 in the program if the health, safety, or welfare of the student
284 is threatened or fraud is suspected.

285 2. Shall deny, suspend, or revoke an authorized use of
286 program funds if the health, safety, or welfare of the student
287 is threatened or fraud is suspected.

288 3. May deny, suspend, or revoke an authorized use of
289 program funds for material failure to comply with this section
290 and applicable department rules if the noncompliance is
291 correctable within a reasonable period of time. Otherwise, the
292 commissioner shall deny, suspend, or revoke an authorized use
293 for failure to materially comply with the law and rules adopted
294 under this section.

295 4. Shall require compliance by the appropriate party by a
296 date certain for all nonmaterial failures to comply with this
297 section and applicable department rules. The commissioner may
298 deny, suspend, or revoke program participation under this
299 section thereafter.

300 (b) In determining whether to deny, suspend, or revoke in
301 accordance with this subsection, the commissioner may consider



171226

302 factors that include, but are not limited to, acts or omissions
303 by a participating entity which led to a previous denial or
304 revocation of participation in an education scholarship program;
305 failure to reimburse the department for program funds improperly
306 received or retained by the entity; imposition of a prior
307 criminal sanction related to the entity or its officers or
308 employees; imposition of a civil fine or administrative fine,
309 license revocation or suspension, or program eligibility
310 suspension, termination, or revocation related to an entity's
311 management or operation; or other types of criminal proceedings
312 in which the entity or its officers or employees were found
313 guilty of, regardless of adjudication, or entered a plea of nolo
314 contendere or guilty to, any offense involving fraud, deceit,
315 dishonesty, or moral turpitude.

316 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
317 PARTICIPATION.—A parent who applies for program participation
318 under this section is exercising his or her parental option to
319 determine the appropriate placement or services that best meet
320 the needs of his or her student. To enroll an eligible student
321 in the program, the parent must sign an agreement with the
322 department and annually submit a notarized, sworn compliance
323 statement to the department to:

324 (a) Affirm that the student meets minimum student
325 attendance requirements as provided in s. 1003.21.

326 (b) Use the program funds only for authorized purposes, as
327 described in subsection (5).

328 (c) Affirm that the student takes all appropriate
329 standardized assessments as specified in the student's IEP. The
330 parent is responsible for transporting the student to the



171226

331 assessment site designated by the school district.
332 (d) Request participation in the program at least 60 days
333 before the date of the first program payment.
334 (e) Affirm that the student remains in good standing with
335 the provider or school if those options are selected by the
336 parent.
337 (f) Apply for admission of his or her child if the private
338 school option is selected by the parent.
339 (g) Annually renew participation in the program.
340 Notwithstanding any changes to the student's IEP, a student who
341 was previously eligible for participation in the program shall
342 remain eligible to apply for renewal as provided in subsection
343 (6).
344 (h) Designate in writing the authorized financial
345 institution to receive payment of program funds and maintain a
346 separate personalized account for learning at that institution.
347 (i) Affirm that the parent will not transfer any college
348 savings funds to another beneficiary.
349 (j) Affirm that the parent will not take possession of any
350 funding contributed by the state.
351 (k) Maintain a portfolio of records and materials which
352 must be preserved by the parent for 2 years and be made
353 available for inspection by the district school superintendent
354 or the superintendent's designee upon 15 days' written notice.
355 This paragraph does not require the superintendent to inspect
356 the portfolio. The portfolio of records and materials consists
357 of:
358 1. A log of educational instruction and services which is
359 made contemporaneously with delivery of the instruction and



171226

360 services and which designates by title any reading materials
361 used; and

362 2. Samples of any writings, worksheets, workbooks, or
363 creative materials used or developed by the student.

364
365 A parent who fails to comply with this subsection forfeits the
366 personalized account for learning.

367 (11) FUNDING AND PAYMENT.—

368 (a)1. The maximum funding amount granted for an eligible
369 student with a disability, pursuant to subsection (3), shall be
370 equivalent to the base student allocation in the Florida
371 Education Finance Program multiplied by the appropriate cost
372 factor for the educational program which would have been
373 provided for the student in the district school to which he or
374 she would have been assigned, multiplied by the district cost
375 differential.

376 2. In addition, an amount equivalent to a share of the
377 guaranteed allocation for exceptional students in the Florida
378 Education Finance Program shall be determined and added to the
379 amount in subparagraph 1. The calculation shall be based on the
380 methodology and the data used to calculate the guaranteed
381 allocation for exceptional students for each district in chapter
382 2000-166, Laws of Florida. Except as provided in subparagraph
383 3., the calculation shall be based on the student's grade, the
384 matrix level of services, and the difference between the 2000-
385 2001 basic program and the appropriate level of services cost
386 factor, multiplied by the 2000-2001 base student allocation and
387 the 2000-2001 district cost differential for the sending
388 district. The calculated amount must also include an amount



171226

389 equivalent to the per-student share of supplemental academic
390 instruction funds, instructional materials funds, technology
391 funds, and other categorical funds as provided in the General
392 Appropriations Act.

393 3. Until the school district completes the matrix required
394 under paragraph (7) (b), the calculation shall be based on the
395 matrix that assigns the student to support level 3 of services.
396 When the school district completes the matrix, the amount of the
397 payment shall be adjusted as needed.

398 (b) The amount of the awarded funds shall be 90 percent of
399 the calculated amount.

400 (c) The school district shall report all students who are
401 participating in the program. The participating students who
402 have previously been included in the Florida Education Finance
403 Program and are included in public school enrollment counts
404 shall be reported separately from other students reported for
405 purposes of the Florida Education Finance Program. Participating
406 students who have been enrolled in nonpublic schools shall also
407 be reported separately.

408 (d) Following notification on July 1, September 1, December
409 1, or February 1 of the number of program participants:

410 1. For students who have been enrolled in public schools
411 and are included in public school enrollment counts, the
412 department shall transfer, from General Revenue funds only, the
413 amount of the awarded program funds calculated pursuant to
414 paragraph (b) from the school district's total funding
415 entitlement under the Florida Education Finance Program and from
416 authorized categorical accounts to a separate account for the
417 program for quarterly disbursement to the personalized account



171226

418 for learning at an authorized financial institution on behalf of
419 the parent and student; and

420 2. For students who have been and will continue to be
421 enrolled in nonpublic schools, the department shall also
422 transfer from an appropriation for the program the amount
423 calculated under paragraph (b) to a separate account for the
424 program for quarterly disbursement to the personalized account
425 for learning at an authorized financial institution on behalf of
426 the parent and student. Nonpublic school students shall be
427 provided awarded funds on a first-come, first-served basis.

428 (e) When a student enters the program, the department must
429 receive, at least 30 days before the first quarterly program
430 payment is made to the personalized account for learning for the
431 student, all documentation required for the student's
432 participation in the program.

433 (f) Upon notification by the department that it has
434 received the documentation required under paragraph (d), the
435 department shall make payments in four equal amounts no later
436 than September 1, November 1, February 1, and April 1 of each
437 academic year in which the awarded funds are in force. The
438 initial payment shall be made after department verification of
439 the establishment of the personalized account for learning at an
440 authorized financial institution, and subsequent payments shall
441 be made upon verification of parental obligations under
442 subsection (10). Payment must be by individual warrant made
443 payable to the personalized account for learning on behalf of
444 the parent and student. The authorized financial institution
445 shall mail or electronically process payments as directed by the
446 parent for authorized uses.



171226

447 (g) Subsequent to each payment, the department shall
448 request from the Department of Financial Services a sample of
449 payments from the authorized financial institution for
450 authorized uses to endorsed warrants to review and confirm
451 compliance with this section.

452 (h) Upon an eligible student's graduation from an eligible
453 postsecondary educational institution or after any period of 4
454 consecutive years after high school graduation in which the
455 student is not enrolled in an eligible postsecondary educational
456 institution, the student's personalized account for learning
457 shall be closed, and any remaining funds shall revert to the
458 state.

459 (i) The department shall make payments to fund personalized
460 accounts for learning at the authorized financial institution
461 pursuant to this section.

462 (j) The department shall develop a system for payment of
463 benefits by electronic funds transfer, including, but not
464 limited to, debit cards, electronic payment cards, or any other
465 means of electronic payment that the department deems to be
466 commercially viable or cost-effective. Commodities or services
467 related to the development of such a system shall be procured by
468 competitive solicitation unless they are purchased from a state
469 term contract pursuant to s. 287.056. The State Board of
470 Education shall adopt rules to administer this paragraph.

471 (k) The department shall require audits of the authorized
472 financial institution's personalized accounts for learning
473 pursuant to this section. The Chief Financial Officer shall
474 conduct audits pursuant to this section.

475 (12) LIABILITY.—The state is not liable for the award or



171226

476 any use of awarded funds under this section.

477 (13) SCOPE OF AUTHORITY.—This section does not expand the
478 regulatory authority of this state, its officers, or any school
479 district to impose additional regulation on participating
480 private schools, nonpublic postsecondary educational
481 institutions, and private providers beyond those reasonably
482 necessary to enforce requirements expressly set forth in this
483 section.

484 (14) RULES.—The State Board of Education shall adopt rules
485 pursuant to ss. 120.536(1) and 120.54 to administer this
486 section. The rules must identify the appropriate school district
487 personnel who must complete the matrix of services.

488 Section 2. Present subsection (10) of section 1003.4282,
489 Florida Statutes, is renumbered as subsection (11), and a new
490 subsection (10) is added to that section, to read:

491 1003.4282 Requirements for a standard high school diploma.—

492 (10) STUDENTS WITH DISABILITIES.—Beginning with students
493 entering grade 9 in the 2014-2015 school year, this subsection
494 applies to a student with an intellectual or cognitive
495 disability for whom the IEP team has determined that the Florida
496 Alternate Assessment is the most appropriate measure of the
497 student's skills.

498 (a) A parent of the student with a disability shall, in
499 collaboration with the individual education plan team pursuant
500 to s. 1003.5716, declare an intent for the student to graduate
501 from high school with either a standard high school diploma or a
502 certificate of completion. A student with a disability who does
503 not satisfy the standard high school diploma requirements
504 pursuant to this section shall be awarded a certificate of



171226

505 completion.

506 (b) The following options, in addition to the other options
507 specified in this section, may be used to satisfy the standard
508 high school diploma requirements, as specified in the student's
509 individual education plan:

510 1. A combination of course substitutions, assessments,
511 industry certifications, and other acceleration options
512 appropriate to the student's unique skills and abilities that
513 meet the criteria established by State Board of Education rule.

514 2. A portfolio of quantifiable evidence that documents a
515 student's mastery of academic standards through rigorous metrics
516 established by State Board of Education rule. A portfolio may
517 include, but is not limited to, documentation of work
518 experience, internships, community service, and postsecondary
519 credit.

520 (c) A student with a disability who meets the standard high
521 school diploma requirements in this section may defer the
522 receipt of a standard high school diploma if the student:

523 1. Has an individual education plan that prescribes special
524 education, transition planning, transition services, or related
525 services through age 21; and

526 2. Is enrolled in accelerated college credit instruction
527 pursuant to s. 1007.27, industry certification courses that lead
528 to college credit, a collegiate high school program, courses
529 necessary to satisfy the Scholar designation requirements, or a
530 structured work-study, internship, or pre-apprenticeship
531 program.

532 (d) A student with a disability who receives a certificate
533 of completion and has an individual education plan that



171226

534 prescribes special education, transition planning, transition
535 services, or related services through 21 years of age may
536 continue to receive the specified instruction and services.

537 (e) Any waiver of the statewide, standardized assessment
538 requirements by the individual education plan team, pursuant to
539 s. 1008.22(3)(c), must be approved by the parent and is subject
540 to verification for appropriateness by an independent reviewer
541 selected by the parent as provided for in s. 1003.572.

542 Section 3. Effective July 1, 2015, section 1003.438,
543 Florida Statutes, is repealed.

544 Section 4. Section 1003.5716, Florida Statutes, is created
545 to read:

546 1003.5716 Transition to postsecondary education and career
547 opportunities.—All students with disabilities who are 3 years of
548 age to 21 years of age have the right to a free, appropriate
549 public education. As used in this section, the term "IEP" means
550 individual education plan.

551 (1) To ensure quality planning for a successful transition
552 of a student with a disability to postsecondary education and
553 career opportunities, an IEP team shall begin the process of,
554 and develop an IEP for, identifying the need for transition
555 services before the student with a disability attains the age of
556 14 years in order for his or her postsecondary goals and career
557 goals to be identified and in place when he or she attains the
558 age of 16 years. This process must include, but is not limited
559 to:

560 (a) Consideration of the student's need for instruction in
561 the area of self-determination and self-advocacy to assist the
562 student's active and effective participation in an IEP meeting;



171226

563 and

564 (b) Preparation for the student to graduate from high
565 school with a standard high school diploma pursuant to s.
566 1003.4282 with a Scholar designation unless the parent chooses a
567 Merit designation.

568 (2) Beginning not later than the first IEP to be in effect
569 when the student turns 16, or younger, if determined appropriate
570 by the parent and the IEP team, the IEP must include the
571 following statements that must be updated annually:

572 (a) A statement of intent to pursue a standard high school
573 diploma and a Scholar or Merit designation, pursuant to s.
574 1003.4285, as determined by the parent.

575 (b) A statement of intent to receive a standard high school
576 diploma before the student reaches the age of 22 and a
577 description of how the student will fully meet the requirements
578 in s. 1003.428 or s. 1003.4282, as applicable, including, but
579 not limited to, a portfolio pursuant to s. 1003.4282(10)(b) that
580 meets the criteria specified in State Board of Education rule.
581 The IEP must also specify the outcomes and additional benefits
582 expected by the parent and the IEP team at the time of the
583 student's graduation.

584 (c) A statement of appropriate measurable long-term
585 postsecondary education and career goals based upon age-
586 appropriate transition assessments related to training,
587 education, employment, and, if appropriate, independent living
588 skills and the transition services, including courses of study
589 needed to assist the student in reaching those goals.

590 (3) Any change in the IEP for the goals specified in
591 subsection (2) must be approved by the parent and is subject to



171226

592 verification for appropriateness by an independent reviewer
593 selected by the parent as provided in s. 1003.572.

594 (4) If a participating agency responsible for transition
595 services, other than the school district, fails to provide the
596 transition services described in the IEP, the school district
597 shall reconvene the IEP team to identify alternative strategies
598 to meet the transition objectives for the student that are
599 specified in the IEP. However, this does not relieve any
600 participating agency of the responsibility to provide or pay for
601 any transition service that the agency would otherwise provide
602 to students with disabilities who meet the eligibility criteria
603 of that agency.

604 Section 5. Subsection (3) of section 1003.572, Florida
605 Statutes, is amended to read:

606 1003.572 Collaboration of public and private instructional
607 personnel.—

608 (3) Private instructional personnel who are hired or
609 contracted by parents to collaborate with public instructional
610 personnel must be permitted to observe the student in the
611 educational setting, collaborate with instructional personnel in
612 the educational setting, and provide services in the educational
613 setting according to the following requirements:

614 (a) The student's public instructional personnel and
615 principal consent to the time and place.

616 (b) The private instructional personnel satisfy the
617 requirements of s. 1012.32 or s. 1012.321.

618

619 For the purpose of implementing this subsection, a school
620 district may not impose any requirements beyond those



171226

621 requirements specified in this subsection or charge any fees.

622 Section 6. Section 1008.2121, Florida Statutes, is created
623 to read:

624 1008.2121 Students with severe cognitive or physical
625 disabilities; permanent exemption.—Based on information that a
626 reasonably prudent person would rely upon, including, but not
627 limited to, facts contained within an individual education plan
628 under s. 1008.212, documentation from an appropriate health care
629 provider, or certification from the district school board
630 superintendent, the Commissioner of Education shall
631 perfunctorily grant a permanent exemption to a student who
632 suffers from such a severe cognitive disability or physical
633 disability that the student permanently lacks the capacity to
634 take statewide, standardized assessments. The State Board of
635 Education shall adopt rules to administer this section,
636 including, but not limited to, expediting the exemption process
637 to demonstrate the utmost compassion and consideration for
638 meeting the parent's and student's needs.

639 Section 7. Paragraph (c) of subsection (5) and paragraph
640 (b) of subsection (6) of section 1008.25, Florida Statutes, are
641 amended to read:

642 1008.25 Public school student progression; remedial
643 instruction; reporting requirements.—

644 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

645 (c) The parent of any student who exhibits a substantial
646 deficiency in reading, as described in paragraph (a), must be
647 notified in writing of the following:

648 1. That his or her child has been identified as having a
649 substantial deficiency in reading.



171226

650 2. A description of the current services that are provided
651 to the child.

652 3. A description of the proposed supplemental instructional
653 services and supports that will be provided to the child that
654 are designed to remediate the identified area of reading
655 deficiency.

656 4. That if the child's reading deficiency is not remediated
657 by the end of grade 3, the child must be retained unless he or
658 she is exempt from mandatory retention for good cause.

659 5. Strategies for parents to use in helping their child
660 succeed in reading proficiency.

661 6. That the Florida Comprehensive Assessment Test (FCAT) is
662 not the sole determiner of promotion and that additional
663 evaluations, portfolio reviews, and assessments are available to
664 the child to assist parents and the school district in knowing
665 when a child is reading at or above grade level and ready for
666 grade promotion.

667 7. The district's specific criteria and policies for a
668 portfolio as provided in subparagraph (6)(b)4. and the evidence
669 required for a student to demonstrate mastery of Florida's
670 academic standards for English Language Arts. A parent of a
671 student in grade 3 who is identified anytime during the year as
672 being at risk of retention may request that the school
673 immediately begin collecting evidence for a portfolio.

674 ~~8.7.~~ The district's specific criteria and policies for
675 midyear promotion. Midyear promotion means promotion of a
676 retained student at any time during the year of retention once
677 the student has demonstrated ability to read at grade level.

678 (6) ELIMINATION OF SOCIAL PROMOTION.—



171226

679 (b) The district school board may only exempt students from
680 mandatory retention, as provided in paragraph (5)(b), for good
681 cause. A student who is promoted to grade 4 with a good cause
682 exemption shall be provided intensive reading instruction and
683 intervention that include specialized diagnostic information and
684 specific reading strategies to meet the needs of each student so
685 promoted. The school district shall assist schools and teachers
686 with the implementation of reading strategies for students
687 promoted with a good cause exemption which research has shown to
688 be successful in improving reading among students that have
689 reading difficulties. Good cause exemptions shall be limited to
690 the following:

691 1. Limited English proficient students who have had less
692 than 2 years of instruction in an English for Speakers of Other
693 Languages program.

694 2. Students with disabilities whose individual education
695 plan indicates that participation in the statewide assessment
696 program is not appropriate, consistent with the requirements of
697 State Board of Education rule.

698 3. Students who demonstrate an acceptable level of
699 performance on an alternative standardized reading or English
700 Language Arts assessment approved by the State Board of
701 Education.

702 4. A student who demonstrates through a student portfolio
703 that he or she is performing at least at Level 2 on FCAT Reading
704 or the common core English Language Arts assessment, as
705 applicable under s. 1008.22.

706 5. Students with disabilities who participate in FCAT
707 Reading or the common core English Language Arts assessment, as



171226

708 applicable under s. 1008.22, and who have an individual
709 education plan or a Section 504 plan that reflects that the
710 student has received intensive remediation in reading and
711 English Language Arts for more than 2 years but still
712 demonstrates a deficiency and was previously retained in
713 kindergarten, grade 1, grade 2, or grade 3.

714 6. Students who have received intensive reading
715 intervention for 2 or more years but still demonstrate a
716 deficiency in reading and who were previously retained in
717 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
718 years. A student may not be retained more than once in grade 3.

719 ~~7.6.~~ Students who have received intensive remediation in
720 reading and English Language Arts, as applicable under s.
721 1008.22, for 2 or more years but still demonstrate a deficiency
722 and who were previously retained in kindergarten, grade 1, grade
723 2, or grade 3 for a total of 2 years. Intensive instruction for
724 students so promoted must include an altered instructional day
725 that includes specialized diagnostic information and specific
726 reading strategies for each student. The district school board
727 shall assist schools and teachers to implement reading
728 strategies that research has shown to be successful in improving
729 reading among low-performing readers.

730 Section 8. Effective July 1, 2015, paragraph (c) of
731 subsection (1) of section 120.81, Florida Statutes, is amended
732 to read:

733 120.81 Exceptions and special requirements; general areas.—

734 (1) EDUCATIONAL UNITS.—

735 (c) Notwithstanding s. 120.52(16), any tests, test scoring
736 criteria, or testing procedures relating to student assessment



171226

737 which are developed or administered by the Department of
738 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.
739 1008.22, or s. 1008.25, or any other statewide educational tests
740 required by law, are not rules.

741 Section 9. Effective July 1, 2015, subsection (2) of
742 section 409.1451, Florida Statutes, is amended to read:

743 409.1451 The Road-to-Independence Program.—

744 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

745 (a) A young adult is eligible for services and support
746 under this subsection if he or she:

747 1. Was living in licensed care on his or her 18th birthday
748 or is currently living in licensed care; or was at least 16
749 years of age and was adopted from foster care or placed with a
750 court-approved dependency guardian after spending at least 6
751 months in licensed care within the 12 months immediately
752 preceding such placement or adoption;

753 2. Spent at least 6 months in licensed care before reaching
754 his or her 18th birthday;

755 3. Earned a standard high school diploma or its equivalent
756 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.
757 1003.435, ~~or s. 1003.438~~;

758 4. Has been admitted for enrollment as a full-time student
759 or its equivalent in an eligible postsecondary educational
760 institution as provided in s. 1009.533. For purposes of this
761 section, the term "full-time" means 9 credit hours or the
762 vocational school equivalent. A student may enroll part-time if
763 he or she has a recognized disability or is faced with another
764 challenge or circumstance that would prevent full-time
765 attendance. A student needing to enroll part-time for any reason



171226

766 other than having a recognized disability must get approval from
767 his or her academic advisor;

768 5. Has reached 18 years of age but is not yet 23 years of
769 age;

770 6. Has applied, with assistance from the young adult's
771 caregiver and the community-based lead agency, for any other
772 grants and scholarships for which he or she may qualify;

773 7. Submitted a Free Application for Federal Student Aid
774 which is complete and error free; and

775 8. Signed an agreement to allow the department and the
776 community-based care lead agency access to school records.

777 Section 10. Effective July 1, 2015, subsection (4) of
778 section 1007.263, Florida Statutes, is amended to read:

779 1007.263 Florida College System institutions; admissions of
780 students.—Each Florida College System institution board of
781 trustees is authorized to adopt rules governing admissions of
782 students subject to this section and rules of the State Board of
783 Education. These rules shall include the following:

784 (4) A student who has been awarded ~~a special diploma as~~
785 ~~defined in s. 1003.438~~ or a certificate of completion as defined
786 in s. 1003.428(7)(b) is eligible to enroll in certificate career
787 education programs.

788
789 Each board of trustees shall establish policies that notify
790 students about developmental education options for improving
791 their communication or computation skills that are essential to
792 performing college-level work, including tutoring, extended time
793 in gateway courses, free online courses, adult basic education,
794 adult secondary education, or private provider instruction.



171226

795 Section 11. Except as otherwise expressly provided in this
796 act, this act shall take effect July 1, 2014.

797

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

799 And the title is amended as follows:

800 Delete everything before the enacting clause
801 and insert:

802 A bill to be entitled
803 An act relating to students with disabilities;
804 creating s. 1002.385, F.S.; establishing the Florida
805 Personalized Accounts for Learning; defining terms;
806 specifying criteria for students who are eligible to
807 participate in the program; identifying certain
808 students who are not eligible to participate in the
809 program; authorizing the use of awarded funds for
810 specific purposes; prohibiting specific providers,
811 schools, institutions, school districts, and other
812 entities from sharing, refunding, or rebating program
813 funds; specifying the terms of the program; requiring
814 a school district to notify the parent regarding the
815 option to participate in the program; specifying the
816 school district's responsibilities for completing a
817 matrix of services and notifying the Department of
818 Education of the completion of the matrix; requiring
819 the department to notify the parent regarding the
820 amount of the awarded funds; authorizing the school
821 district to change the matrix under certain
822 circumstances; requiring the school district in which
823 a student resides to provide locations and times to



171226

824 take all statewide assessments; requiring the school
825 district to notify parents of the availability of a
826 reevaluation; specifying the duties of the Department
827 of Education relating to the program; requiring the
828 Commissioner of Education to deny, suspend, or revoke
829 participation in the program or use of program funds
830 under certain circumstances; providing additional
831 factors under which the commissioner may deny,
832 suspend, or revoke a participation in the program or
833 program funds; requiring a parent to sign an agreement
834 with the Department of Education to enroll his or her
835 child in the program which specifies the
836 responsibilities of a parent or student for using
837 funds in an account and for submitting a compliance
838 statement to the department; providing that a parent
839 who fails to comply with the responsibilities of the
840 agreement forfeits the personalized account for
841 learning; providing for funding and payments;
842 requiring the department to request from the
843 Department of Financial Services a sample of payments
844 from the authorized financial institution for
845 specified purposes; providing for the closing of a
846 student's account and reversion of funds to the state;
847 requiring the department to make payments to the
848 personalized accounts for learning at the authorized
849 financial institution, select an authorized financial
850 institution through a competitive bidding process to
851 administer the personalized accounts for learning, and
852 require audits of the authorized financial



171226

853 institution's personalized accounts for learning;
854 requiring the Chief Financial Officer to conduct
855 audits; providing that the state is not liable for the
856 award or use of awarded funds; providing for the scope
857 of authority of the act; requiring the State Board of
858 Education to adopt rules to administer the program;
859 requiring the Chief Financial Officer to conduct
860 audits; amending s. 1003.4282, F.S.; providing
861 standard high school diploma requirements for certain
862 students with an intellectual disability or cognitive
863 disability; authorizing certain students with
864 disabilities to continue to receive certain
865 instructions and services; requiring an independent
866 review and a parent's approval to waive statewide,
867 standardized assessment requirements by the IEP team;
868 repealing s. 1003.438, F.S., relating to special high
869 school graduation requirements for certain exceptional
870 students; creating s. 1003.5716, F.S.; providing that
871 certain students with disabilities have a right to
872 free, appropriate public education; requiring an
873 individual education plan (IEP) team to begin the
874 process of, and to develop an IEP for, identifying
875 transition services needs for a student with a
876 disability before the student attains a specified age;
877 providing requirements for the process; requiring
878 certain statements to be included and annually updated
879 in the IEP; providing that changes in the goals
880 specified in an IEP are subject to independent review
881 and parental approval; requiring the school district



171226

882 to reconvene the IEP team to identify alternative
883 strategies to meet transition objectives if a
884 participating agency fails to provide transition
885 services specified in the IEP; providing that the
886 agency's failure does not relieve the agency of the
887 responsibility to provide or pay for the transition
888 services that the agency otherwise would have
889 provided; amending s. 1003.572, F.S.; prohibiting a
890 school district from charging fees or imposing
891 additional requirements on private instructional
892 personnel; creating s. 1008.2121, F.S.; requiring the
893 Commissioner of Education to permanently exempt
894 certain students with disabilities from taking
895 statewide, standardized assessments; requiring the
896 State Board of Education to adopt rules; amending s.
897 1008.25, F.S.; requiring written notification relating
898 to portfolios to a parent of a student with a
899 substantial reading deficiency; requiring a student
900 promoted to a certain grade with a good cause
901 exemption to receive intensive reading instruction and
902 intervention; requiring a school district to assist
903 schools and teachers with the implementation of
904 reading strategies; revising good cause exemptions;
905 amending ss. 120.81, 409.1451, and 1007.263, F.S.;
906 conforming cross-references; providing effective
907 dates.

By Senator Stargel

15-01167D-14

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1 A bill to be entitled
 2 An act relating to students with disabilities;
 3 creating s. 1002.385, F.S.; establishing the Florida
 4 Personalized Accounts for Learning; defining terms;
 5 specifying criteria for students who are eligible to
 6 participate in the program; identifying certain
 7 students who are not eligible to participate in the
 8 program; authorizing the use of awarded funds for
 9 specific purposes; prohibiting specific providers,
 10 schools, institutions, school districts, and other
 11 entities from sharing, refunding, or rebating program
 12 funds; specifying the terms of the program; requiring
 13 a school district to notify the parent regarding the
 14 option to participate in the program; specifying the
 15 school district's responsibilities for completing a
 16 matrix of services and notifying the Department of
 17 Education of the completion of the matrix; requiring
 18 the department to notify the parent and the Chief
 19 Financial Officer regarding the amount of the awarded
 20 funds; authorizing the school district to change the
 21 matrix under certain circumstances; requiring the
 22 school district in which a student resides to provide
 23 locations and times to take all statewide assessments;
 24 requiring the school district to notify parents of the
 25 availability of a reevaluation; specifying the duties
 26 of the Department of Education relating to the
 27 program; requiring the Commissioner of Education to
 28 deny, suspend, or revoke participation in the program
 29 or use of program funds under certain circumstances;

Page 1 of 29

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

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20141512__

30 providing additional factors under which the
 31 commissioner may deny, suspend, or revoke a
 32 participation in the program or program funds;
 33 requiring a parent to sign an agreement with the
 34 Department of Education to enroll his or her child in
 35 the program which specifies the responsibilities of a
 36 parent or student for using funds in an account and
 37 for submitting a compliance statement to the
 38 department; providing that a parent who fails to
 39 comply with the responsibilities of the agreement
 40 forfeits the personalized account for learning;
 41 providing for funding and payments; requiring the
 42 department to request from the Department of Financial
 43 Services a sample of payments from the authorized
 44 financial institution for specified purposes;
 45 providing for the closing of a student's account and
 46 reversion of funds to the state; requiring the Chief
 47 Financial Officer to make payments to the personalized
 48 accounts for learning at the authorized financial
 49 institution, select an authorized financial
 50 institution through a competitive bidding process to
 51 administer the personalized accounts for learning, and
 52 require audits of the authorized financial
 53 institution's personalized accounts for learning;
 54 providing that the state is not liable for the award
 55 or use of awarded funds; providing for the scope of
 56 authority of the act; requiring the State Board of
 57 Education to adopt rules to administer the program;
 58 requiring the Chief Financial Officer to adopt rules

Page 2 of 29

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

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59 to administer its responsibilities under the program;
 60 amending s. 1003.4282, F.S.; providing standard high
 61 school diploma requirements for a student with a
 62 disability; authorizing certain students with
 63 disabilities to continue to receive certain
 64 instructions and services; requiring an independent
 65 review and a parent's approval to waive statewide,
 66 standardized assessment requirements by the IEP team;
 67 amending s. 1003.4285, F.S.; including the Specialty
 68 designation as one of the designations for a standard
 69 high school diploma; repealing s. 1003.438, F.S.,
 70 relating to special high school graduation
 71 requirements for certain exceptional students;
 72 creating s. 1003.5716, F.S.; providing that certain
 73 students with disabilities have a right to free,
 74 appropriate public education; requiring an individual
 75 education plan (IEP) team to begin the process of, and
 76 to develop an IEP for, identifying transition services
 77 needs for a student with a disability before the
 78 student attains a specified age; providing
 79 requirements for the process; requiring certain
 80 statements to be included and annually updated in the
 81 IEP; providing changes in the goals specified in an
 82 IEP are subject to independent review and parental
 83 approval; requiring the school district to reconvene
 84 the IEP team to identify alternative strategies to
 85 meet transition objectives if a participating agency
 86 fails to provide transition services specified in the
 87 IEP; providing that the agency's failure does not

Page 3 of 29

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15-01167D-14

20141512__

88 relieve the agency of the responsibility to provide or
 89 pay for the transition services that the agency
 90 otherwise would have provided; amending s. 1003.572,
 91 F.S.; prohibiting a school district from charging fees
 92 or imposing additional requirements on private
 93 instructional personnel; creating s. 1008.2121, F.S.;
 94 requiring the Commissioner of Education to permanently
 95 exempt certain students with disabilities from taking
 96 statewide, standardized assessments; requiring the
 97 State Board of Education to adopt rules; amending s.
 98 1008.25, F.S.; requiring written notification relating
 99 to portfolios to a parent of a student with a
 100 substantial reading deficiency; amending ss. 120.81,
 101 409.1451, and 1007.263, F.S.; conforming cross-
 102 references; providing effective dates.

103
 104 Be It Enacted by the Legislature of the State of Florida:

105
 106 Section 1. Section 1002.385, Florida Statutes, is created
 107 to read:

108 1002.385 Florida Personalized Accounts for Learning.-
 109 (1) ESTABLISHMENT OF PROGRAM.-The Florida Personalized
 110 Accounts for Learning is established to provide the option for a
 111 parent to better meet the individual educational needs of his or
 112 her eligible child.
 113 (2) DEFINITIONS.-As used in this section, the term:
 114 (a) "Authorized financial institution" means the
 115 institution that is designated in writing by the parent to
 116 receive payment of program funds into the parent's personalized

Page 4 of 29

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15-01167D-14

20141512__

117 account for learning at such institution.

118 (b) "Chief Financial Officer" means the chief fiscal
 119 officer of this state, as defined in s. 17.001.

120 (c) "Curriculum" means a complete course of study for a
 121 particular content area or grade level, including any required
 122 supplemental materials.

123 (d) "Department" means the Department of Education.

124 (e) "Disability" means, for a student in kindergarten to
 125 grade 12, autism, as defined in s. 393.063(3); cerebral palsy,
 126 as defined in s. 393.063(4); Down syndrome, as defined in s.
 127 393.063(13); an intellectual disability, as defined in s.
 128 393.063(21); Prader-Willi syndrome, as defined in s.
 129 393.063(25); or Spina bifida, as defined in s. 393.063(36); and,
 130 for a student in kindergarten, being a high-risk child, as
 131 defined in s. 393.063(20)(a).

132 (f) "Eligible postsecondary educational institution" means
 133 a Florida College System institution, a state university, a
 134 school district technical center, a school district adult
 135 general education center, or an accredited nonpublic
 136 postsecondary educational institution, as defined in s. 1005.02,
 137 which is licensed to operate in the state pursuant to
 138 requirements specified in part III of chapter 1005.

139 (g) "Eligible private school" means a private school, as
 140 defined in s. 1002.01, which is located in this state, which
 141 offers an education to students in any grade from kindergarten
 142 to grade 12, and which meets requirements of ss. 1002.42 and
 143 1002.421.

144 (h) "IEP" means individual education plan.

145 (i) "Parent" means a resident of this state who is a

15-01167D-14

20141512__

146 parent, as defined in s. 1000.21.

147 (j) "Program" means the Florida Personalized Accounts for
 148 Learning established in this section.

149 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
 150 disability may request and receive from the state a Florida
 151 personalized account for learning for the purposes specified in
 152 subsection (5) if:

153 (a) The student:

154 1. Is a resident of this state;

155 2. Is eligible to enroll in kindergarten through grade 12
 156 in a public school in this state;

157 3. Has a disability as defined in paragraph (2)(e) and is
 158 eligible for Level 3 to Level 5 services; and

159 4. Is the subject of an IEP written in accordance with
 160 rules of the State Board of Education; and

161 (b) The parent has requested from the department a
 162 participation in the program at least 60 days before the date of
 163 the first payment. The request must be communicated directly to
 164 the department or electronic record of the request and the date
 165 of receipt of the request. The department must notify the
 166 district of the parent's intent upon receipt of the parent's
 167 request.

168 (4) PROGRAM PROHIBITIONS.—

169 (a) A student is not eligible for the program while he or
 170 she is:

171 1. Enrolled in a public school, including, but not limited
 172 to, the Florida School for the Deaf and the Blind, the Florida
 173 Virtual School, the College-Preparatory Boarding Academy, a
 174 developmental research school authorized under s. 1002.32, a

15-01167D-14 20141512__

175 charter school authorized under s. 1002.33, s. 1002.331, or s.
 176 1002.332, or a virtual education program authorized under s.
 177 1002.45;

178 2. Enrolled in a school operating for the purpose of
 179 providing educational services to youth in the Department of
 180 Juvenile Justice commitment programs;

181 3. Receiving a scholarship pursuant to the Florida Tax
 182 Credit Scholarship Program under s. 1002.395 or the John M.
 183 McKay Scholarships for Students with Disabilities Program under
 184 s. 1002.39; or

185 4. Receiving an educational scholarship pursuant to this
 186 chapter.

187 (b) A student is not eligible for the program if:

188 1. The student or student's parent has accepted any
 189 payment, refund, or rebate, in any manner, from a provider of
 190 any services received pursuant to subsection (5);

191 2. The student's participation in the program has been
 192 denied or revoked by the Commissioner of Education pursuant to
 193 subsection (9); or

194 3. The student's parent has forfeited participation in the
 195 program for failure to comply with requirements pursuant to
 196 subsection (10).

197 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be
 198 spent for the following purposes, as specified in the student's
 199 IEP or the portion of the IEP regarding the transition of the
 200 student to postsecondary education and career opportunities
 201 pursuant to s. 1003.5716:

202 (a) Instructional materials, including digital devices,
 203 digital periphery devices, and assistive technology devices that

15-01167D-14 20141512__

204 allow a student to access instruction or instructional content.

205 (b) Curriculum as defined in paragraph (2) (c).

206 (c) Specialized services selected by the parent and
 207 specified in the student's IEP. These specialized services may
 208 include, but are not limited to:

209 1. Applied behavior analysis services as provided in ss.
 210 627.6686 and 641.31098.

211 2. Services provided by speech-language pathologists as
 212 defined in s. 468.1125.

213 3. Occupational therapy services as defined in s. 468.203.

214 4. Services provided by physical therapists as defined in
 215 s. 486.021.

216 5. Services provided by listening and spoken language
 217 specialists and an appropriate acoustical environment for a
 218 child who is deaf or hard of hearing and who has received an
 219 implant or assistive hearing device.

220 (d) Enrollment in, or tuition or fees associated with
 221 enrollment in, an eligible private school, an eligible
 222 postsecondary educational institution, a private tutoring
 223 program authorized under s. 1002.43, a virtual program offered
 224 by a department-approved private online provider that meets the
 225 provider qualifications specified in s. 1002.45(2) (a), or an
 226 approved online course offered pursuant to ss. 1003.499 or
 227 1004.0961.

228 (e) Fees for nationally standardized, norm-referenced
 229 achievement tests, Advanced Placement Examinations, industry
 230 certification examinations, assessments related to postsecondary
 231 education, or other assessments specified in the student's IEP.

232 (f) Contributions to a Coverdell education savings account

15-01167D-14 20141512__
 233 established pursuant to 26 U.S.C. s. 530 of the Internal Revenue
 234 Code for the benefit of the eligible student.

235 (g) Contracted services provided by a public school or
 236 school district, including classes and extracurricular programs
 237 for the services specified in the IEP or additional services. A
 238 student who receives services under a contract under this
 239 paragraph shall not be considered to be enrolled in a public
 240 school for eligibility purposes as specified in subsection (4).

241
 242 A specialized service provider, eligible private school,
 243 eligible postsecondary educational institution, private tutoring
 244 program provider, online or virtual program provider, public
 245 school, school district, or other entity receiving payments
 246 pursuant to this subsection may not share, refund, or rebate any
 247 moneys from the Florida Personalized Account for Learning with
 248 the parent or participating student in any manner.

249 (6) TERM OF THE PROGRAM.—For purposes of continuity of
 250 educational choice, the program payments made under this section
 251 shall remain in force until a student participating in the
 252 program participates in any of the prohibited activities
 253 specified in subsection (4), has funds revoked by the
 254 Commissioner of Education pursuant to subsection (9), or returns
 255 to a public school, graduates from high school, or reaches 22
 256 years of age, whichever occurs first. A participating student
 257 who enrolls in a public school or public school program is
 258 considered to have returned to a public school for the purpose
 259 of determining the end of the program's term.

260 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

261 (a) By April 1 of each year and within 10 days after an IEP

15-01167D-14 20141512__
 262 meeting, a school district shall notify the parent of the
 263 student who meets eligibility requirements under subsection (3)
 264 of the option to participate in the program.

265 (b)1. For a student with a disability who does not have a
 266 matrix of services under s. 1011.62(1)(e), the school district
 267 shall complete a matrix that assigns the student to one of the
 268 levels of service as they existed before the 2000-2001 school
 269 year.

270 2.a. Within 10 school days after a school district receives
 271 notification of a parent's request for participation in the
 272 program under this section, the school district shall notify the
 273 student's parent if the matrix of services has not been
 274 completed and inform the parent that the district is required to
 275 complete the matrix within 30 days after receiving notice of the
 276 parent's request for participation. This notice must include the
 277 required completion date for the matrix.

278 b. The school district shall complete the matrix of
 279 services for a student who is participating in the program and
 280 shall notify the department of the student's matrix level within
 281 30 days after receiving notification of a request to participate
 282 in the program. The school district must provide the student's
 283 parent with the student's matrix level within 10 school days
 284 after its completion.

285 c. The department shall notify the parent and the Chief
 286 Financial Officer of the amount of the funds awarded within 10
 287 days after receiving the school district's notification of the
 288 student's matrix level.

289 d. A school district may change a matrix of services only
 290 if the change is to correct a technical, typographical, or

15-01167D-14

20141512__

291 calculation error.

292 (c) For each student participating in the program who takes
 293 statewide, standardized assessments under s. 1008.22, the school
 294 district in which the student resides must notify the student
 295 and his or her parent about the locations and times to take all
 296 statewide, standardized assessments.

297 (d) For each student participating in the program, a school
 298 district shall notify the parent about the availability of a
 299 reevaluation at least every 3 years.

300 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
 301 shall:

302 (a) Establish an annual enrollment period and a process in
 303 which a parent may apply to enroll his or her student in the
 304 program. The enrollment period shall begin on July 1 and end on
 305 May 1 of each year for applications for the following state
 306 fiscal year. All applications must be approved by June 1 of each
 307 year for program participation for the following fiscal year.

308 (b) Conduct or contract for annual audits of the program to
 309 ensure compliance with this section.

310 (c) Notify the authorized financial institution of students
 311 who are approved to participate in the program. The notice must
 312 be made annually by June 1, after the department processes all
 313 applications to participate in the program.

314 (d) Establish a process by which a person may notify the
 315 department of any violation of laws or rules relating to
 316 participation in the program. The department shall conduct an
 317 inquiry of all signed, written, and legally sufficient
 318 complaints that allege a violation of this section or make a
 319 referral to the appropriate agency for an investigation. A

Page 11 of 29

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15-01167D-14

20141512__

320 complaint is legally sufficient if it contains ultimate facts
 321 showing that a violation of this section or a violation of a
 322 rule adopted under this section has occurred. In order to
 323 determine legal sufficiency, the department may require
 324 supporting information or documentation from the complainant. A
 325 department inquiry is not subject to the requirements of chapter
 326 120.

327 (e) Compare the list of students participating in the
 328 program with the public school enrollment lists before each
 329 program payment to avoid duplicate payments.

330 (f) Select an independent research organization, which may
 331 be a public or private entity or university, to which
 332 participating entities must report the scores of students
 333 participating in the program on the statewide, standardized
 334 assessments administered by the schools as specified in the IEP.

335 1. The independent research organization shall annually
 336 issue a report to the department which includes:

337 a. The year-to-year learning gains of students
 338 participating in the program.

339 b. To the extent possible, a comparison of the learning
 340 gains of students in the program to the statewide learning gains
 341 of public school students having backgrounds similar to those of
 342 the students in the program. In order to minimize the costs and
 343 time that the independent research organization requires for
 344 analysis and evaluation, the department shall conduct analyses
 345 of assessment data from matched students in public schools and
 346 shall calculate the learning gains of control groups using a
 347 methodology outlined in the contract with the independent
 348 research organization.

Page 12 of 29

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15-01167D-14

20141512__

349 c. The aggregate year-to-year learning gains of students in
 350 the program in each participating entity in which there are at
 351 least 30 participating students that have scores for tests for 2
 352 consecutive years at that entity.

353 2. The sharing and reporting of the learning gains of
 354 students pursuant to this paragraph must be in accordance with
 355 the Family Educational Rights and Privacy Act, 20 U.S.C. s.
 356 1232g, and shall be for the sole purpose of creating the annual
 357 report required under subparagraph 1. All parties shall preserve
 358 the confidentiality of such information as required by law. The
 359 independent research organization may not disaggregate data in
 360 its annual report to a level that identifies individual
 361 participating entities, except as required under sub-
 362 paragraph 1.c., or disclose the academic level of individual
 363 students.

364 3. The department shall publish on its website the annual
 365 report required by subparagraph 1.

366 (g) Coordinate with state-funded or federally funded
 367 benefits programs to advise a parent about the possible effect
 368 his or her child's participation in the program under this
 369 section may have on the child's eligibility for participating in
 370 those state-funded or federally funded benefits programs.

371 (h) Issue a report by December 15, 2014, and annually
 372 thereafter to the Governor, the President of the Senate, and the
 373 Speaker of the House of Representatives describing the
 374 implementation of accountability mechanisms for the program,
 375 identifying any substantial allegations and violations of a law
 376 or rule governing the program, and describing the corrective
 377 actions taken by the department relating to violations of a law

15-01167D-14

20141512__

378 or rule governing the program.

379 (9) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

380 (a) The Commissioner of Education:

381 1. Shall deny, suspend, or revoke a student's participation
 382 in the program if the health, safety, or welfare of the student
 383 is threatened or fraud is suspected.

384 2. Shall deny, suspend, or revoke an authorized use of
 385 program funds if the health, safety, or welfare of the student
 386 is threatened or fraud is suspected.

387 3. May deny, suspend, or revoke an authorized use of
 388 program funds for material failure to comply with this section
 389 and applicable department rules if the noncompliance is
 390 correctable within a reasonable period of time. Otherwise, the
 391 commissioner shall deny, suspend, or revoke an authorized use
 392 for failure to materially comply with the law and rules adopted
 393 under this section.

394 4. Shall require compliance by the appropriate party by a
 395 date certain for all nonmaterial failures to comply with this
 396 section and applicable department rules. The commissioner may
 397 deny, suspend, or revoke program participation under this
 398 section thereafter.

399 (b) In determining whether to deny, suspend, or revoke in
 400 accordance with this subsection, the commissioner may consider
 401 factors that include, but are not limited to, acts or omissions
 402 by a participating entity which led to a previous denial or
 403 revocation of participation in an education scholarship program;
 404 failure to reimburse the department for program funds improperly
 405 received or retained by the entity; imposition of a prior
 406 criminal sanction related to the entity or its officers or

15-01167D-14 20141512__
 407 employees; imposition of a civil fine or administrative fine,
 408 license revocation or suspension, or program eligibility
 409 suspension, termination, or revocation related to an entity's
 410 management or operation; or other types of criminal proceedings
 411 in which the entity or its officers or employees were found
 412 guilty of, regardless of adjudication, or entered a plea of nolo
 413 contendere or guilty to, any offense involving fraud, deceit,
 414 dishonesty, or moral turpitude.

415 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 416 PARTICIPATION.—A parent who applies for program participation
 417 under this section is exercising his or her parental option to
 418 determine the appropriate placement or services that best meet
 419 the needs of his or her student. To enroll an eligible student
 420 in the program, the parent must sign an agreement with the
 421 department and annually submit a notarized, sworn compliance
 422 statement to the department to:

423 (a) Affirm that the student meets minimum student
 424 attendance requirements as provided in s. 1003.21.

425 (b) Use the program funds only for authorized purposes, as
 426 described in subsection (5).

427 (c) Affirm that the student takes all appropriate
 428 standardized assessments as specified in the student's IEP. The
 429 parent is responsible for transporting the student to the
 430 assessment site designated by the school district.

431 (d) Request participation in the program at least 60 days
 432 before the date of the first program payment.

433 (e) Affirm that the student remains in good standing with
 434 the provider or school if those options are selected by the
 435 parent.

15-01167D-14 20141512__
 436 (f) Apply for admission of his or her child if the private
 437 school option is selected by the parent.

438 (g) Annually renew participation in the program.
 439 Notwithstanding any changes to the student's IEP, a student who
 440 was previously eligible for participation in the program shall
 441 remain eligible to apply for renewal as provided in subsection
 442 (6).

443 (h) Designate in writing the authorized financial
 444 institution to receive payment of program funds and maintain a
 445 separate personalized account for learning at that institution.

446 (i) Affirm that the parent will not transfer any college
 447 savings funds to another beneficiary.

448 (j) Affirm that the parent will not take possession of any
 449 funding contributed by the state.

450
 451 A parent who fails to comply with this subsection forfeits the
 452 personalized account for learning.

453 (11) FUNDING AND PAYMENT.—

454 (a)1. The maximum funding amount granted for an eligible
 455 student with a disability, pursuant to subsection (3), shall be
 456 equivalent to the base student allocation in the Florida
 457 Education Finance Program multiplied by the appropriate cost
 458 factor for the educational program which would have been
 459 provided for the student in the district school to which he or
 460 she would have been assigned, multiplied by the district cost
 461 differential.

462 2. In addition, an amount equivalent to a share of the
 463 guaranteed allocation for exceptional students in the Florida
 464 Education Finance Program shall be determined and added to the

15-01167D-14 20141512__

465 amount in subparagraph 1. The calculation shall be based on the
 466 methodology and the data used to calculate the guaranteed
 467 allocation for exceptional students for each district in chapter
 468 2000-166, Laws of Florida. Except as provided in subparagraph
 469 3., the calculation shall be based on the student's grade, the
 470 matrix level of services, and the difference between the 2000-
 471 2001 basic program and the appropriate level of services cost
 472 factor, multiplied by the 2000-2001 base student allocation and
 473 the 2000-2001 district cost differential for the sending
 474 district. The calculated amount must also include an amount
 475 equivalent to the per-student share of supplemental academic
 476 instruction funds, instructional materials funds, technology
 477 funds, and other categorical funds as provided in the General
 478 Appropriations Act.

479 3. Until the school district completes the matrix required
 480 under paragraph (7)(b), the calculation shall be based on the
 481 matrix that assigns the student to support level 3 of services.
 482 When the school district completes the matrix, the amount of the
 483 payment shall be adjusted as needed.

484 (b) The amount of the awarded funds shall be 90 percent of
 485 the calculated amount.

486 (c) The school district shall report all students who are
 487 participating in the program. The participating students who
 488 have previously been included in the Florida Education Finance
 489 Program and are included in public school enrollment counts
 490 shall be reported separately from other students reported for
 491 purposes of the Florida Education Finance Program. Participating
 492 students who have been enrolled in nonpublic schools shall also
 493 be reported separately.

15-01167D-14 20141512__

494 (d) Following notification on July 1, September 1, December
 495 1, or February 1 of the number of program participants:

496 1. For students who have been enrolled in public schools
 497 and are included in public school enrollment counts, the
 498 department shall transfer, from General Revenue funds only, the
 499 amount of the awarded program funds calculated pursuant to
 500 paragraph (b) from the school district's total funding
 501 entitlement under the Florida Education Finance Program and from
 502 authorized categorical accounts to a separate account for the
 503 program for quarterly disbursement to the personalized account
 504 for learning at an authorized financial institution on behalf of
 505 the parent and student; and

506 2. For students who have been and will continue to be
 507 enrolled in nonpublic schools, the department shall also
 508 transfer from an appropriation for the program the amount
 509 calculated under paragraph (b) to a separate account for the
 510 program for quarterly disbursement to the personalized account
 511 for learning at an authorized financial institution on behalf of
 512 the parent and student. Nonpublic school students shall be
 513 provided awarded funds on a first-come, first-served basis.

514 (e) When a student enters the program, the department must
 515 receive, at least 30 days before the first quarterly program
 516 payment is made to the personalized account for learning for the
 517 student, all documentation required for the student's
 518 participation in the program.

519 (f) Upon notification by the department that it has
 520 received the documentation required under paragraph (d), the
 521 Chief Financial Officer shall make payments in four equal
 522 amounts no later than September 1, November 1, February 1, and

15-01167D-14 20141512__

523 April 1 of each academic year in which the awarded funds are in
 524 force. The initial payment shall be made after department
 525 verification of the establishment of the personalized account
 526 for learning at an authorized financial institution, and
 527 subsequent payments shall be made upon verification of parental
 528 obligations under subsection (10). Payment must be by individual
 529 warrant made payable to the personalized account for learning on
 530 behalf of the parent and student. The authorized financial
 531 institution shall mail or electronically process payments as
 532 directed by the parent for authorized uses.

533 (g) Subsequent to each payment, the department shall
 534 request from the Department of Financial Services a sample of
 535 payments from the authorized financial institution for
 536 authorized uses to endorsed warrants to review and confirm
 537 compliance with this section.

538 (h) Upon an eligible student's graduation from an eligible
 539 postsecondary educational institution or after any period of 4
 540 consecutive years after high school graduation in which the
 541 student is not enrolled in an eligible postsecondary educational
 542 institution, the student's personalized account for learning
 543 shall be closed, and any remaining funds shall revert to the
 544 state.

545 (12) CHIEF FINANCIAL OFFICER OBLIGATIONS.—The Chief
 546 Financial Officer shall:

547 (a) Make payments to fund personalized accounts for
 548 learning at the authorized financial institution pursuant to
 549 this section.

550 (b) Select through the state's competitive bidding process
 551 an authorized financial institution to administer personalized

15-01167D-14 20141512__

552 accounts for learning.

553 (c) Require audits of the authorized financial
 554 institution's personalized accounts for learning.

555 (13) LIABILITY.—The state is not liable for the award or
 556 any use of awarded funds under this section.

557 (14) SCOPE OF AUTHORITY.—This section does not expand the
 558 regulatory authority of this state, its officers, or any school
 559 district to impose additional regulation on participating
 560 private schools, nonpublic postsecondary educational
 561 institutions, and private providers beyond those reasonably
 562 necessary to enforce requirements expressly set forth in this
 563 section.

564 (15) RULES.—

565 (a) The State Board of Education shall adopt rules pursuant
 566 to ss. 120.536(1) and 120.54 to administer this section. The
 567 rules must identify the appropriate school district personnel
 568 who must complete the matrix of services.

569 (b) The Chief Financial Officer shall adopt rules pursuant
 570 to ss. 120.536(1) and 120.54 to administer this section.

571 Section 2. Present subsection (10) of section 1003.4282,
 572 Florida Statutes, is renumbered as subsection (11), and a new
 573 subsection (10) is added to that section, to read:

574 1003.4282 Requirements for a standard high school diploma.—

575 (10) STUDENTS WITH DISABILITIES.—Beginning with students
 576 entering grade 9 in the 2014-2015 school year, this subsection
 577 applies to a student with a disability.

578 (a) A parent of a student with a disability shall, in
 579 collaboration with the individual education plan team pursuant
 580 to s. 1003.5716, declare an intent for the student to graduate

15-01167D-14 20141512__

581 from high school with either a standard high school diploma or a
 582 certificate of completion. A student with a disability who does
 583 not satisfy the standard high school diploma requirements
 584 pursuant to this section shall be awarded a certificate of
 585 completion.

586 (b) The following options, in addition to the other options
 587 specified in this section, may be used to satisfy the standard
 588 high school diploma requirements, as specified in the student's
 589 individual education plan:

590 1. A combination of course substitutions, assessments,
 591 industry certifications, and other acceleration options
 592 appropriate to the student's unique skills and abilities that
 593 meet the criteria established by State Board of Education rule.

594 2. A portfolio of quantifiable evidence that documents a
 595 student's mastery of academic standards through rigorous metrics
 596 established by State Board of Education rule. A portfolio may
 597 include, but is not limited to, documentation of work
 598 experience, internships, community service, and postsecondary
 599 credit.

600 (c) A student with a disability who meets the standard high
 601 school diploma requirements in this section may defer the
 602 receipt of a standard high school diploma if the student:

603 1. Has an individual education plan that prescribes special
 604 education, transition planning, transition services, or related
 605 services through age 21; and

606 2. Is enrolled in accelerated college credit instruction
 607 pursuant to s. 1007.27, industry certification courses that lead
 608 to college credit, a collegiate high school program, courses
 609 necessary to satisfy the Scholar designation requirements, or a

15-01167D-14 20141512__

610 structured work-study, internship, or pre-apprenticeship
 611 program.

612 (d) A student with a disability who receives a certificate
 613 of completion and has an individual education plan that
 614 prescribes special education, transition planning, transition
 615 services, or related services through 21 years of age may
 616 continue to receive the specified instruction and services.

617 (e) Any waiver of the statewide, standardized assessment
 618 requirements by the individual education plan team, pursuant to
 619 s. 1008.22(3)(c), must be approved by the parent and is subject
 620 to verification for appropriateness by an independent reviewer
 621 selected by the parent as provided for in s. 1003.572.

622 Section 3. Paragraph (c) is added to subsection (1) of
 623 section 1003.4285, Florida Statutes, to read:

624 1003.4285 Standard high school diploma designations.—

625 (1) Each standard high school diploma shall include, as
 626 applicable, the following designations if the student meets the
 627 criteria set forth for the designation:

628 (c) Specialty designation.—In addition to the requirements
 629 of s. 1003.4282, in order to earn the Specialty designation, a
 630 student must, beginning with students entering grade 9 in the
 631 2015-2016 school year:

632 1. Be a student with a disability, as defined in s.
 633 1003.01(3);

634 2. Have an individual education plan (IEP) indicating that
 635 the student fully met all requirements of s. 1003.4282 through a
 636 portfolio established in the IEP pursuant to s. 1003.4282(10)(b)
 637 and s. 1003.5716(2)(b); and

638 3. Earn two or more digital tools industry certifications

15-01167D-14

20141512__

639 from the list established under s. 1003.492.

640 Section 4. Effective July 1, 2015, section 1003.438,
641 Florida Statutes, is repealed.

642 Section 5. Section 1003.5716, Florida Statutes, is created
643 to read:

644 1003.5716 Transition to postsecondary education and career
645 opportunities.—All students with disabilities who are 3 years of
646 age to 21 years of age have the right to a free, appropriate
647 public education. As used in this section, the term “IEP” means
648 individual education plan.

649 (1) To ensure quality planning for a successful transition
650 of a student with a disability to postsecondary education and
651 career opportunities, an IEP team shall begin the process of,
652 and develop an IEP for, identifying the need for transition
653 services before the student with a disability attains the age of
654 14 years in order for his or her postsecondary goals and career
655 goals to be identified and in place when he or she attains the
656 age of 16 years. This process must include, but is not limited
657 to:

658 (a) Consideration of the student’s need for instruction in
659 the area of self-determination and self-advocacy to assist the
660 student’s active and effective participation in an IEP meeting;
661 and

662 (b) Preparation for the student to graduate from high
663 school with a standard high school diploma pursuant to s.
664 1003.4282 with a Scholar designation unless the parent chooses a
665 Merit designation or Specialty designation.

666 (2) Beginning not later than the first IEP to be in effect
667 when the student turns 16, or younger, if determined appropriate

15-01167D-14

20141512__

668 by the parent and the IEP team, the IEP must include the
669 following statements that must be updated annually:

670 (a) A statement of intent to pursue a standard high school
671 diploma and a Scholar, Merit, or Specialty designation, pursuant
672 to s. 1003.4285, as determined by the parent.

673 (b) A statement of intent to receive a standard high school
674 diploma before the student reaches the age of 22 and a
675 description of how the student will fully meet the requirements
676 in s. 1003.428 or s. 1003.4282, as applicable, including, but
677 not limited to, a portfolio pursuant to s. 1003.4282(10)(b) that
678 meets the criteria specified in State Board of Education rule.
679 The IEP must also specify the outcomes and additional benefits
680 expected by the parent and the IEP team at the time of the
681 student’s graduation.

682 (c) A statement of appropriate measurable long-term
683 postsecondary education and career goals based upon age-
684 appropriate transition assessments related to training,
685 education, employment, and, if appropriate, independent living
686 skills and the transition services, including courses of study
687 needed to assist the student in reaching those goals.

688 (3) Any change in the IEP for the goals specified in
689 subsection (2) must be approved by the parent and is subject to
690 verification for appropriateness by an independent reviewer
691 selected by the parent as provided in s. 1003.572.

692 (4) If a participating agency responsible for transition
693 services, other than the school district, fails to provide the
694 transition services described in the IEP, the school district
695 shall reconvene the IEP team to identify alternative strategies
696 to meet the transition objectives for the student that are

15-01167D-14 20141512__
 697 specified in the IEP. However, this does not relieve any
 698 participating agency of the responsibility to provide or pay for
 699 any transition service that the agency would otherwise provide
 700 to students with disabilities who meet the eligibility criteria
 701 of that agency.

702 Section 6. Subsection (3) of section 1003.572, Florida
 703 Statutes, is amended to read:

704 1003.572 Collaboration of public and private instructional
 705 personnel.—

706 (3) Private instructional personnel who are hired or
 707 contracted by parents to collaborate with public instructional
 708 personnel must be permitted to observe the student in the
 709 educational setting, collaborate with instructional personnel in
 710 the educational setting, and provide services in the educational
 711 setting according to the following requirements:

712 (a) The student's public instructional personnel and
 713 principal consent to the time and place.

714 (b) The private instructional personnel satisfy the
 715 requirements of s. 1012.32 or s. 1012.321.

716 For the purpose of implementing this subsection, a school
 717 district may not impose any requirements beyond those
 718 requirements specified in this subsection or charge any fees.

719 Section 7. Section 1008.2121, Florida Statutes, is created
 720 to read:

721 1008.2121 Students with severe cognitive or physical
 722 disabilities; permanent exemption.—Based on information that a
 723 reasonably prudent person would rely upon, including, but not
 724 limited to, facts contained within an individual education plan
 725

15-01167D-14 20141512__
 726 under s. 1008.212, documentation from an appropriate health care
 727 provider, or certification from the district school board
 728 superintendent, the Commissioner of Education shall
 729 perfunctorily grant a permanent exemption to a student who
 730 suffers from such a severe cognitive disability or physical
 731 disability that the student permanently lacks the capacity to
 732 take statewide, standardized assessments. The State Board of
 733 Education shall adopt rules to administer this section,
 734 including, but not limited to, expediting the exemption process
 735 to demonstrate the utmost compassion and consideration for
 736 meeting the parent's and student's needs.

737 Section 8. Paragraph (c) of subsection (5) of section
 738 1008.25, Florida Statutes, is amended to read:

739 1008.25 Public school student progression; remedial
 740 instruction; reporting requirements.—

741 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

742 (c) The parent of any student who exhibits a substantial
 743 deficiency in reading, as described in paragraph (a), must be
 744 notified in writing of the following:

745 1. That his or her child has been identified as having a
 746 substantial deficiency in reading.

747 2. A description of the current services that are provided
 748 to the child.

749 3. A description of the proposed supplemental instructional
 750 services and supports that will be provided to the child that
 751 are designed to remediate the identified area of reading
 752 deficiency.

753 4. That if the child's reading deficiency is not remediated
 754 by the end of grade 3, the child must be retained unless he or

15-01167D-14 20141512__

755 she is exempt from mandatory retention for good cause.

756 5. Strategies for parents to use in helping their child
757 succeed in reading proficiency.

758 6. That the Florida Comprehensive Assessment Test (FCAT) is
759 not the sole determiner of promotion and that additional
760 evaluations, portfolio reviews, and assessments are available to
761 the child to assist parents and the school district in knowing
762 when a child is reading at or above grade level and ready for
763 grade promotion.

764 7. The criteria for a portfolio review and the evidence
765 required to document a student's mastery of Florida's academic
766 standard benchmarks for English Language Arts, as well as sample
767 portfolios for a parent to use.

768 ~~8.7.~~ The district's specific criteria and policies for
769 midyear promotion. Midyear promotion means promotion of a
770 retained student at any time during the year of retention once
771 the student has demonstrated ability to read at grade level.

772 Section 9. Effective July 1, 2015, paragraph (c) of
773 subsection (1) of section 120.81, Florida Statutes, is amended
774 to read:

775 120.81 Exceptions and special requirements; general areas.—

776 (1) EDUCATIONAL UNITS.—

777 (c) Notwithstanding s. 120.52(16), any tests, test scoring
778 criteria, or testing procedures relating to student assessment
779 which are developed or administered by the Department of
780 Education pursuant to s. 1003.428, s. 1003.429, ~~s. 1003.438~~, s.
781 1008.22, or s. 1008.25, or any other statewide educational tests
782 required by law, are not rules.

783 Section 10. Effective July 1, 2015, subsection (2) of

15-01167D-14 20141512__

784 section 409.1451, Florida Statutes, is amended to read:

785 409.1451 The Road-to-Independence Program.—

786 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

787 (a) A young adult is eligible for services and support
788 under this subsection if he or she:

789 1. Was living in licensed care on his or her 18th birthday
790 or is currently living in licensed care; or was at least 16
791 years of age and was adopted from foster care or placed with a
792 court-approved dependency guardian after spending at least 6
793 months in licensed care within the 12 months immediately
794 preceding such placement or adoption;

795 2. Spent at least 6 months in licensed care before reaching
796 his or her 18th birthday;

797 3. Earned a standard high school diploma or its equivalent
798 pursuant to s. 1003.428, s. 1003.4281, s. 1003.429, or s.
799 1003.435, ~~or s. 1003.438~~;

800 4. Has been admitted for enrollment as a full-time student
801 or its equivalent in an eligible postsecondary educational
802 institution as provided in s. 1009.533. For purposes of this
803 section, the term "full-time" means 9 credit hours or the
804 vocational school equivalent. A student may enroll part-time if
805 he or she has a recognized disability or is faced with another
806 challenge or circumstance that would prevent full-time
807 attendance. A student needing to enroll part-time for any reason
808 other than having a recognized disability must get approval from
809 his or her academic advisor;

810 5. Has reached 18 years of age but is not yet 23 years of
811 age;

812 6. Has applied, with assistance from the young adult's

15-01167D-14

20141512__

813 caregiver and the community-based lead agency, for any other
814 grants and scholarships for which he or she may qualify;

815 7. Submitted a Free Application for Federal Student Aid
816 which is complete and error free; and

817 8. Signed an agreement to allow the department and the
818 community-based care lead agency access to school records.

819 Section 11. Effective July 1, 2015, subsection (4) of
820 section 1007.263, Florida Statutes, is amended to read:

821 1007.263 Florida College System institutions; admissions of
822 students.—Each Florida College System institution board of
823 trustees is authorized to adopt rules governing admissions of
824 students subject to this section and rules of the State Board of
825 Education. These rules shall include the following:

826 (4) A student who has been awarded a ~~special diploma as~~
827 ~~defined in s. 1003.438~~ or a certificate of completion as defined
828 in s. 1003.428(7) (b) is eligible to enroll in certificate career
829 education programs.

830
831 Each board of trustees shall establish policies that notify
832 students about developmental education options for improving
833 their communication or computation skills that are essential to
834 performing college-level work, including tutoring, extended time
835 in gateway courses, free online courses, adult basic education,
836 adult secondary education, or private provider instruction.

837 Section 12. Except as otherwise expressly provided in this
838 act, this act shall take effect July 1, 2014.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/18/04
Meeting Date

Topic SB 1512 DISABILITIES

Bill Number SB 1512
(if applicable)

Name ELIAS SEIFE

Amendment Barcode
(if applicable)

Job Title

Address 6121 SW 93 AVE

Phone 786 286 6005

Street MIAMI FL 33173
City State Zip

E-mail seife@seifeconsultants.com

Speaking: For Against Information

Representing MYSELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-18-2014
Meeting Date

Topic Education

Bill Number 1512
(if applicable)

Name Joy L. Jackson

Amendment Barcode _____
(if applicable)

Job Title Teacher

Address 18130 N.W. 56th Ave. Miami, Fl.

Phone 305-308-3754

Miami Fl. 33055
City State Zip

E-mail JJackson@dadeschools.net

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/2014

Meeting Date

Topic Education

Bill Number 1512
(if applicable)

Name Dr. Jinnie L. Bryant

Amendment Barcode _____
(if applicable)

Job Title Teacher

Address 1899 NW 64th St

Phone (305) 691-1661

Miami FL 33147
City State Zip

E-mail revdrgruoveback@aol.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

03/18/14

Meeting Date

Topic Students with disabilities

Bill Number SB 1512
(if applicable)

Name Adam Giery

Amendment Barcode _____
(if applicable)

Job Title Dir of Policy

Address 136 Salm bronough st
Street
Tallahassee FL
City State Zip

Phone _____

E-mail _____

Speaking: For Against Information

Representing FL Chamber of Commerce

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)

3/18/14

Meeting Date

Topic _____

Bill Number 1512
(if applicable)

Name Laura Fellman

Amendment Barcode _____
(if applicable)

Job Title _____

Address 7654 Solimar Cir.
Street

Phone 561 445 4000

Boca Raton FL 33433
City State Zip

E-mail Lauraptadelprado@gmail.com

Speaking: For Against Information

Representing Florida PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/2014
Meeting Date

Topic _____

Bill Number 1512
(if applicable)

Name REBECCA FORBES-LEUY

Amendment Barcode _____
(if applicable)

Job Title BANKER

Address 12259 SW 249 ST
Street
HOMESTEAD FL 33032
City State Zip

Phone 786-252-9284

E-mail ISLLANDUNO@att.net

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3-18-14

Meeting Date

Topic Education

Bill Number 1512
(if applicable)

Name Theodore McRAE

Amendment Barcode _____
(if applicable)

Job Title TEACHER

Address 4618 SW 125th Ave

Phone 305-3311061

Street

MIRAMAR

City

FL

State

33027

Zip

E-mail Peritocalson@gmail

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

MARCH 18, 2014
Meeting Date

Topic Education

Bill Number 1512
(if applicable)

Name JOHANN BROOKINS

Amendment Barcode _____
(if applicable)

Job Title Pastor

Address 1336 N.W. 69 STREET

Phone 305 761 6565

Miami FL 33147
City State Zip

E-mail isadora722@aol.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-18-14

Meeting Date

Topic _____

Bill Number 5012 1512
(if applicable)

Name Ashli E. McCall

Amendment Barcode _____
(if applicable)

Job Title Educator (SAH Mom)

Address 4432 Argyle Ln

Phone (850) 727-7062

Tallahassee FL 32309
City State Zip

E-mail _____

Speaking: For Against Information

Representing Self

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)

3/18/14
Meeting Date

Topic FLAS

Bill Number 1512
(if applicable)

Name Lynda Russell

Amendment Barcode _____
(if applicable)

Job Title _____

Address 213 S. Adams St
Street
Tallahassee, FL 32301
City State Zip

Phone 850-224-2028

E-mail _____

Speaking: For Against Information

Representing Florida Education Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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3/18/14

Meeting Date

Topic Students with Disabilities

Bill Number SB 1512
(if applicable)

Name Vanessa Winter

Amendment Barcode _____
(if applicable)

Job Title _____

Address 711 Teal Ave

Phone 330 416 8788

Street

Celebration FL 34747

City

State

Zip

E-mail V. Winter68@gmail.com

Speaking: For Against Information

Representing Citizen of Osceola County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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3/18/14

Meeting Date

Topic Students with Disabilities

Bill Number SB 1512
(if applicable)

Name Leah Carins

Amendment Barcode _____
(if applicable)

Job Title _____

Address 1049 Nash Dr.

Phone 321-939-0321

Street

Celebration

FL

State

32747

Zip

E-mail trilet4us@aol.com

City

Speaking: For Against Information

Representing Florida PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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3.18.14

Meeting Date

Topic _____

Bill Number SB 1512
(if applicable)

Name Julian Gaus - Graeser

Amendment Barcode _____
(if applicable)

Job Title Business Owner + ADHD Coach

Address 1666 Pine St
Street

Phone 904.716.8014

Atlantic Beach FL 32233
City State Zip

E-mail _____

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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THE FLORIDA SENATE

APPEARANCE RECORD

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3/18/14

Meeting Date

Topic Students with Disabilities

Bill Number S 1512
(if applicable)

Name Chris Ott

Amendment Barcode _____
(if applicable)

Job Title teacher - elementary

Address 2436 NW 28 PL

Phone (352) 222-9498

Street
Gainesville, FL 32605
City State Zip

E-mail ottcd@cox.net

Speaking: For Against Information

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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3-18-14

Meeting Date

Topic Students with disabilities

Bill Number SB1512
(if applicable)

Name Carol Horton

Amendment Barcode _____
(if applicable)

Job Title Educator

Address 5954 Triphammer Rd

Phone 561-762-7635

Street

Lake Worth, FL 33463

City

State

Zip

E-mail hsch19@bellsouth.net

Speaking: For Against Information

Representing my self

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)

3-18-14

Meeting Date

Topic Students w/ Disabilities

Bill Number SB 1512
(if applicable)

Name Karen Zarembo

Amendment Barcode _____
(if applicable)

Job Title Teacher

Address 3871 Island Club Cir
Street

Phone 561-642-0513

Lantana FL 33462
City State Zip

E-mail kzarem@aol.com

Speaking: For Against Information

Representing Self

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)

3/18/14
Meeting Date

Topic STUDENTS W/ DISABILITIES Bill Number SB 1512
(if applicable)

Name SANDY BAKER HOOVER Amendment Barcode _____
(if applicable)

Job Title RETIRED SCHOOL COUNSELOR

Address 2273 KEYSTONE BLVD Phone 305-891-6646
Street

N. MIAMI FL 33181 E-mail sbhoovert19@aol.com
City State Zip

Speaking: For Against Information

Representing self

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)

3-18-14
Meeting Date

Topic SB 1512 Students w/ Disabilities Bill Number 1512
(if applicable)

Name Wendy Dodge Amendment Barcode _____
(if applicable)

Job Title Director of Govt Affairs

Address PO Box 391
Street Barrow FL 33830
City State Zip

Phone 813-838-3632

E-mail Wendy.dodge@polk-fl.net

Speaking: For Against Information

Representing POLK SCHOOLS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/18/14

Meeting Date

Topic SB 1512 - PLAs

Bill Number SB 1512
(if applicable)

Name Joanna Hassell

Amendment Barcode _____
(if applicable)

Job Title Policy Analyst

Address 215 S. Monroe St.
Street

Phone 850-391-0329

TLH FL 32308
City State Zip

E-mail Joanna@aflovidapromisr.org

Speaking: For Against Information

Representing Foundation for Florida's Future

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

3/18/14

Meeting Date

Topic Students with Disabilities

Bill Number SB1512
(if applicable)

Name Mindy Wenst

Amendment Barcode _____
(if applicable)

Job Title Teacher

Address 431 Jupiter Lakes Blvd #2134D

Phone 561-628-0433

Street

Jupiter

City

FL

State

33458

Zip

E-mail wenstm@gmail.com

Speaking: For Against Information

Representing Self

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)

3/18/14
Meeting Date

Topic early learning

Bill Number WORKSHOP
(if applicable)

Name Shan Goff

Amendment Barcode _____
(if applicable)

Job Title ex. Director

Address 250 Marriott Drive

Phone 717 8662

Street

TLH FL 32399

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing OEL

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)

3-18-14
Meeting Date

Topic Early Learning

Bill Number Early Learning Workshop
(if applicable)

Name Matt Guse

Amendment Barcode _____
(if applicable)

Job Title CEO - Early Learning Coalition of the Big Bend

Address 1940 N. Monroe Street

Phone 850-552-7338

Tallahassee FL 32303
City State Zip

E-mail mguse@ckbigbend.org

Speaking: For Against Information

Representing Association of Early Learning Coalitions

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

585

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Ada G. Armas

is duly appointed a member of the
State Board of Education

for a term beginning on the
Sixteenth day of May, 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 Twelfth day of July, A.D., 2013.*



Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

30456

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Miami Dade

13 JUL 12 AM 9

DIVISION OF ELEC
SECRETARY OF S

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

State Board of Education, Member
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 18 day of June

[Signature]
Signature of Officer Administering Oath or of Notary Public



Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

225 Arvida Parkway
Street or Post Office Box

Coral Gables, FL 33156
City, State, Zip Code

Ada G. Armas
Print name as you desire commission issued

[Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED

13 MAY 22 AM 10:09

DIVISION OF ELECTIONS
SECRETARY OF STATE

May 16, 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:

Dr. Ada G. Armas
4960 Southwest 72nd Avenue
Office 406
Miami, Florida 33155

as a member of the State Board of Education, subject to confirmation by the Senate.
This appointment is effective May 16, 2013 for a term ending December 31, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/kb

104527 ✓

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.

May 21, 2013

Date Completed

1. Name: Mrs. Armas Ada Gonzalez
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 4960 SW 72 Avenue 406 Miami
Street Office # City
FL 33155 305-284-7919

Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 225 Arvida Parkway Coral Gables Miami-Dade
Street City County
FL 33156 305-662-9780

Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # 305-665-9742 (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
Same as above			

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
7855 J F Kennedy Boulevard East	North Bergen, NJ	1986	1987
8209 4 Avenue	North Bergen, NJ	1987	1988

5. Date of Birth: 09/27/1959 Place of Birth: Jersey City, New Jersey

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

Ada Gonzalez- maiden name

RECEIVED
DEPARTMENT OF STATE
DIVISION OF ELECTIONS
JUN -7 AM 10:44
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? 1988

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Miami-Dade B. Current Party Affiliation: No Party

12. Education

A. High School: Academy of the Assumption Year Graduated: 1976
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>University of Miami</u>	<u>1976-1979</u>	<u>BS Chemistry</u>
<u>Universidad Cetec</u>	<u>1979-1982</u>	<u>M.D.</u>

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Medical Care Consortium Inc.</u>	<u>Health Care</u>	<u>Physician</u>	<u>1998- Present</u>

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Have served and helped develop several charities for underprivileged families in Miami.

Served as Advisory Council for Children's Home Society

Co-founder of Leadership Learning Center at St. John Bosco Church, an after school program designed for elementary and middle school children as well as high school.

This program offers homework assistance, literacy programs, fitness program, etc.

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:

Chairman of Board Leadership Learning Center

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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
---------------------	----------------------------------------	-----------------------	----------------------------

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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
ME 54083	1988	State of FL Department of Health	N/A
_____	_____	_____	_____
_____	_____	_____	_____

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Armor Correctional	Spouse	Owner/Investor	Provide Healthcare to Correctional Facilities, Broward/Palm Beach/Hillsborough Court

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Mrs. Hortensia Velazquez			
Mrs. Maria Blanco			
Mrs. D. Margarita Formoso			
Dr. Eduardo Alarcon			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Ada Holdings, L.L.C.	225 Arvida Parkway Coral Gables, FL 33156	Director	2012 to 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

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 OF ANY 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

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Miami - Dade

RECEIVED
DEPARTMENT OF STATE
2013 JUN -7 AM 10:44
DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared

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]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 21st day of May, 2013.

[Signature]
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

585

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Andy Tuck

is duly appointed a member of the

State Board of Education

for a term beginning on the
Twenty-Ninth day of January, A.D., 2014,
until the Thirty-First day of December, A.D., 2017
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 February, A.D., 2014.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2" x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Highlands

14 FEB -6 AM 10:36

SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

State Board of Education
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 30 day of JANUARY, 2014.

[Signature]
Signature of Officer Administering Oath or of Notary Public

Ericka Search
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced Driver's License



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

11611 Sandridge Ct.
Street or Post Office Box

Selmon FL 33872
City, State, Zip Code

Andy Tuck
Print name as you desire commission issued

[Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED
14 FEB -4 PM 2:01
DIVISION OF COLLECTIONS
SECRETARY OF STATE

January 30, 2014

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 Section 1001.71, Florida Statutes:

Mr. Andy Tuck
1611 Sandwedge Court
Sebring, Florida 33872

as a member of the State Board of Education, succeeding Sara Bradshaw, subject to confirmation by the Senate. This appointment is effective January 29, 2014, for a term ending December 31, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/pb

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.

1/16/2014

Date Completed

1. Name: Mr. Tuck Andy
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 1611 Sandwedge Ct. Sebring
Street Office # City
FL 33872 863-443-4812
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 1611 Sandwedge Ct. Sebring Highlands
Street City County
FL 33872 863-386-4077
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.

1611 Sandwedge Ct. Sebring, FL 1999 Present
Address City & State From To

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

None
Address City & State From

5. Date of Birth: 12/7/1969 Place of Birth: Avon Park, FL

6. Social Security Number: _____

7. Driver License Number: _____: FL

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

Full name is Richard Andrew Tuck
Go by Andy Tuck

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DEPARTMENT OF STATE
DIVISION OF ELECTIONS
JAN 28 AM 9:17
MAMASSET, RI

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? 1969-present lived in California part of 1980

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Highlands

B. Current Party Affiliation: Republican

12. Education

A. High School: Lake Placid High

Year Graduated: 1987

(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>South Florida Community College</u>	<u>1987-1988</u>	<u>None</u>
<u>Florida Southern College</u>	<u>1988-1990</u>	<u>B.S. Business(marketing)-Citrus</u>
<u>Polk Community College</u>	<u>1988</u>	<u>Took 1 class</u>
<u>University of S. Florida</u>	<u>1989</u>	<u>Took 1 class</u>

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Griffin Fertilizer Co. P.O. Box 188 Frostproof Fl</u>	<u>Ag Fertilizer</u>	<u>Acct. Mang</u>	<u>Aug2004-Jan 2008</u>
<u>C. Elton Crews, Inc. P.O. Box 1669 Avon Park, FL</u>	<u>Citrus Grower</u>	<u>Production Mang</u>	<u>Jan 2008-Present</u>

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>Board Member</u>	<u>Highlands County School Board</u>	<u>2006-Present</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Have been a member of the Highlands County School Board for 7 years, have children in school in Florida and am a business owner.

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:

Member of Florida School Boards Association Board of Director
FSBA Small District Council Vice Chairman

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	2006-Present	4 Years	Highlands Cty. School Board
Commission member	Sept 2011-April 2013	2 years	Florida Trans Commission
Board Member	April 2009-present		Central Fla. Reg. planning Council

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: 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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
FTC	None	None
CFRPC	Attended 40%	Scheduling conflicts with FTC and School board meetings and preparation.

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

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 of CFRPC and FTC

B. Term of Appointment: _____

C. Confirmation results: Confirmed CRFPC, resigned before confirmation FTC

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Barbara Stewart			
Susan Compton			
Gina Reynolds			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Highland Cty. 4H Foundation		President	
SFSC Foundation			
Highlands County Farm Bureau BOD			
Sebring Sunrise Rotary			
Highlands Cty. Repub Exec Comm.		Chairman	

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

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 OF ANY 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

RECEIVED
DEPARTMENT OF STATE

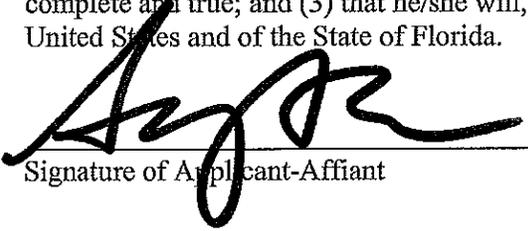
2014 JAN 28 AM 9:18

DIVISION OF ELECTIONS
TALLAHASSEE, FL

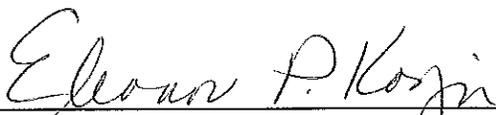
CERTIFICATION

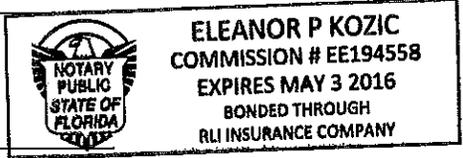
STATE OF FLORIDA
COUNTY OF HIGHLANDS

Before me, the undersigned Notary Public of Florida, personally appeared
ANDY TUCK,
who, after being duly 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 16th day of Jan, 2014.


Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

585

**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
Sixteenth day of May, 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 Seventh day of June, A.D., 2013.*

Ken Detzner

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Monroe

2013 JUN -7 AM 10:45
DEBORAH L. ABBOTT
NOTARY PUBLIC
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board Member, Florida State Board of Edu
(Title of Office)

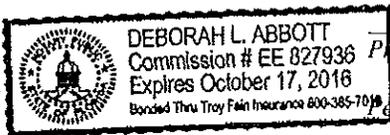
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature Jim Passet

Sworn to and subscribed before me this 21 day of May, 2013.

Signature of Officer Administering Oath or of Notary Public Deborah L. Abbott



Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

611 Frances Street
Street or Post Office Box

Key West, Florida 33040
City, State, Zip Code

John R. Passet
Print name as you desire commission issued

Signature John Passet



RICK SCOTT
GOVERNOR

RECEIVED
13 MAY 22 AM 10:09
DIVISION OF ELECTIONS
SECRETARY OF STATE

May 16, 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 May 16, 2013 for a term ending December 31, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/kb

1045 2/6

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.

May 21, 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 305-294-3642

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 _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

2013 JUN -7 AM 10:45
DIVISION OF ELECTIONS
TALLAHASSEE, FL

RECEIVED
DEPARTMENT OF STATE

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:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
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 pre K-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 Common Core 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

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 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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>ALL</u>	<u>None</u>	

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Gary R. Chartrand, I			
Pam Stewart, Chancellor, I			
Lynn Abbott, Agency Clerk, I			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
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

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 OF ANY 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

CERTIFICATION

RECEIVED
DEPARTMENT OF STATE

2013 JUN -7 AM 10:45

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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.

John Padget

Signature of Applicant-Affiant

Sworn to and subscribed before me this 21st day of May, 2013

Deborah L. Abbott

Signature of Notary Public-State of Florida

(Print, Type, or Stamp Commissioned Name of Notary Public)



My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

585

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

John A. Colon

is duly appointed a member of the
State Board of Education

for a term beginning on the
Sixteenth day of May, A.D., 2013,
until the Thirty-First day of December, A.D., 2014
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

If photocopied or chemically altered, the word "VOID" will appear



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twelfth day of July, A.D., 2013.*

Ken Detzner

Secretary of State

OATH OF OFFICE
(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2013 JUL -8 AM 10:01
FLORIDA STATE
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Sarasota

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

State Board of Education

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Handwritten Signature]

Signature

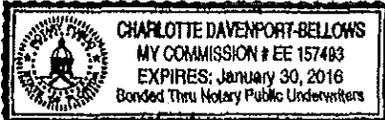
Sworn to and subscribed before me this 8th day of July, 2013

[Handwritten Signature]

Signature of Officer Administering Oath or of Notary Public

Charlotte M. F. A. Charlotte Davenport Bellows

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

1515 Ringling Blvd 6th Fl.

Street or Post Office Box

Sarasota, Fl. 34236

City, State, Zip Code

John A. Colon

Print name as you desire commission issued

[Handwritten Signature]

Signature



RICK SCOTT
GOVERNOR

RECEIVED

13 MAY 22 AM 10:09

May 16, 2013

DIVISION OF ELECTIONS
SECRETARY OF STATE

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 A. Colon
1515 Ringling Boulevard
Suite 600
Sarasota, Florida 34236

as a member of the State Board of Education, subject to confirmation by the Senate.
This appointment is effective May 16, 2013 for a term ending December 31, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/kb

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? May 2001

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Manatee B. Current Party Affiliation: Republican

12. Education

A. High School: Brooklyn Technical High School Year Graduated: 1969
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Queensborough Community College	1970-1972	N/A
Queens College	1972-1974	N/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: _____

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
1973	New York City	No Insurance \$150, Expired License \$100, Expired Inspection Sticker \$100	

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Wells Fargo Advisors, 1515 Ringling Blvd, Sarasota, FL 34236	Finance	Senior Vice President	Investments 10/13/2000- Present

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
-----------------	-------------------------	-----------------------------

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

See attachment

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:

Investment Advisor Representative State of Florida 7/01/03

General Securities Series 7 NASD (FINRA)

Managed Futures Series 31 NFA #259904

Supervisor Series 10 NYSE, AMEX, CBoE- Registered

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No
If "Yes", list:

Received "Champion of Education" award from UNCF 2013

D. Identify all association memberships and association offices held by you that relate to this appointment:

Gulf Coast Builders Exchange	2012- Present
Braden River Historical Society	2011- Present
UNCF (Unified Negro College Fund) Chair or Co-Chair	2004- Present
Take Stock in Children (Sarasota)	2003-2004

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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Commissioner	4/11/2005	1 Year	City/CTY
Sha Advisory Board	11/06	Receivership	HUD
Commissioner	7/08	3 Years	City/CTY/HUD
Commissioner	7/11	4 years	City/CTY/HUD
Chairman Sarasota Housing Authority	7/10-8/12	2 Years	City/CTY/HUD

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: 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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
All except 2	2	Illness and Conflict

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

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: Florida Black Business Investment Board

B. Term of Appointment: _____

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
<u>2154136</u>	<u>10/28/91</u>	<u>Security Exchange Comm</u>	<u>NONE</u>
<u>259904</u>	<u>2/13/2001</u>	<u>National Futures Assoc</u>	<u>NONE</u>

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Mike Grissom			
Carlos Beruff			
Former Senator Mike Bennett			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Republican Party of Florida		Governor's Appointee	Jan. 2010
Braden River Historical Society			2011- Present
UNCF (Unified Negro College Fund)		Chair or Co-Chair	2004- Present
Take Stock in Children (Sarasota)			2003-2004

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

RECEIVED

13 JUL 12 AM 9:16

STATE OF FLORIDA
COUNTY OF Sarasota

DIVISION OF ELECTIONS
SECRETARY OF STATE

Before me, the undersigned Notary Public of Florida, personally appeared

John Colon

who, after being duly 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]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 21st day of May, 2013

[Signature]
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

RECEIVED

13 JUL 12 AM 9:16

MEMORANDUM

DIVISION OF ELECTIONS
SECRETARY OF STATE

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 OF ANY 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

ATTACHMENT: QUESTION 22

My tenure on the Sarasota Housing Authority, working to take the organization out of HUD receivership, and planning its nationally recognized 3-phase development, has been marked by successful stewardship of public resources, and innovative solutions that positively impact the residents and community.

As a financial advisor for more than 25 years, I have similarly been responsible for the assets of individuals and families. Frequently my role as an advisor also means being a reliable confidant; assisting with important family decisions that are attached to, and extend beyond, money and investments.

I strongly believe one of the most important investments anyone can make is in the quality education of our children. For 10 years, I have raised funds and worked with the Sarasota-Manatee chapter of the United Negro College Fund. I have witnessed the role of our organization extend far beyond the scholarships we award to deserving students each year. Our annual event highlights the importance of access to quality higher education, and reinforces the fact that we need to work together to realize the goal of an educated and prosperous society.

3000

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Glenton G. Gilzean, Jr.

is duly appointed a member of the

**Board of Trustees,
Florida Agricultural and Mechanical University**

for a term beginning on the
Sixteenth day of May, 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 Second day of July, A.D., 2013.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Hillsborough

2013 JUL -2 AM 10:12
DIVISION OF REGISTRATIONS
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Trustees, Florida A & M University

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

Sworn to and subscribed before me this 26 day of June, 2013

Signature of Officer Administering Oath or of Notary Public

Brenda M. Carley
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____



BRENDA M. CARLEY
MY COMMISSION # EE 077642
EXPIRES: April 1, 2015
Bonded Thru Budget Notary Services

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

441 33rd Street N, 1108

Street or Post Office Box

St. Petersburg, FL, 33713

City, State, Zip Code

Glenton Gilzean, Jr.

Print name as you desire commission issued

Signature



RICK SCOTT
GOVERNOR

RECEIVED
13 MAY 22 AM 10:07
DIVISION OF ELECTIONS
SECRETARY OF STATE

May 16, 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. Glenton G. Gilzean Jr.
441 33rd Street North
Number 1108
St. Petersburg, Florida 33713

as a member of the Florida A and M University Board of Trustees, subject to confirmation by the Senate. This appointment is effective May 16, 2013 for a term ending January 6, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/kb

104673

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.

6/1/2013

Date Completed

1. Name: MR. Gilzean Glenton
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 337 S. Plant Ave Tampa
Street Office # City
FL 33606 813-498-1986
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 441 33rd Street North, 1108 St. Petersburg Pinellas
Street City County
FL 33713 727-488-5403
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # 727-214-9042
(optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
3545 3rd Ave South	St. Petersburg, FL	11/2011	1/2012
3307 W Cherokee Ave	Tampa, FL	04/2007	11/2011
4704 E Seward St	Tampa, FL	5/2005	04/2007

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From
N/A		

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2013 JUL -2 AM 10:12
DIVISION OF ELECTIONS
TALLAHASSEE, FL

5. Date of Birth: 03/24/1982 Place of Birth: Brooklyn, NY

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? 1985

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Pinellas B. Current Party Affiliation: Republican

12. Education

A. High School: Nova High School Year Graduated: 2000
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>University of South Florida</u>	<u>08/2001 - 12/2005</u>	<u>Bachelor's Degree</u>
<u>University of South Florida</u>	<u>08/2007 - 05/2009</u>	<u>Master's Degree</u>

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Step Up For Students</u>	<u>Nonprofit</u>	<u>Vice President</u>	<u>10/2012 - present</u>
<u>Pinellas County School Board</u>	<u>Government</u>	<u>School Board Member</u>	<u>01/2012 - 11/2012</u>
<u>Educate Today, Inc</u>	<u>Nonprofit</u>	<u>Executive Director</u>	<u>05/2009 - 08/2012</u>
<u>Florida Department of Education</u>	<u>Government</u>	<u>Regional Field Director</u>	<u>01/2006 - 04/2009</u>

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>School Board Member</u>	<u>Pinellas County School Board</u>	<u>01/2012 - 11/2012</u>
<u>Regional Field Director</u>	<u>Florida Department of Education</u>	<u>01/2006 - 04/2009</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

It's very important that a trustee of a university have a clear understanding of issues one may face while trying to obtain a higher education. As the son of Jamaican immigrants, who barely had a high school education and growing up in a poor community in Broward County, I have a true understanding of several obstacles most students face when trying to obtain a degree. I'm the first person ever in my family to obtain a higher education and to also attain a master's in business from the USF's Center for Entrepreneurship.

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:

Masters of Science in Entrepreneurship, University of South Florida

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:

NAACP Education Committee

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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Board of Trustees, Florida A&M U	05/16/2013	03/14/2013 - 01/06/2018	State
Board of Trustees, Florida A&M U	03/14/2013	03/14/2013 - 01/06/2018	State
School Board Member, PCSB	01/23/2012	01/23/2012 - 11/19/2012	District

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Every Tuesday

(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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
ALL	none	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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

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 of Trustees, Florida A&M University

B. Term of Appointment: 03/14/2013 - 01/06/2018

C. Confirmation results: Failed to Confirm 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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Michael Sevi			
John Colon			
Chester Spellman			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
NAACP-St. Petersburg	1501 16th Street S. St. Pete, FL, 33705	Education Chairman	6/2013

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

DEPARTMENT OF STATE
2013 JUL -2 AM 10:12
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA
COUNTY OF Hillsborough

Before me, the undersigned Notary Public of Florida, personally appeared
Glenon Gillean,
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]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 26 day of June, 2013.

[Signature]
Signature of Notary Public-State of Florida

 BRENDA M. CARLEY
MY COMMISSION # EE 077642
EXPIRES: April 1, 2015
Bonded Thru Budget Notary Services

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 4-1-15

Personally Known OR Produced Identification

Type of Identification Produced _____

(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 OF ANY 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

3000^S

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Kimberly Ann Moore

is duly appointed a member of the

**Board of Trustees,
Florida Agricultural and Mechanical
University**

for a term beginning on the
Twentieth day of June, 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-Third day of August, 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 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2013 JUL 24 AM 9:44

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida A & M University - Board of Trustees

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Kimberly A. Moore
Signature

Sworn to and subscribed before me this 19th day of July, 2013

Vanessa Roberts
Signature of Officer Administering Oath or of Notary Public

Vanessa Roberts
Print, Type, or Stamp Commissioned Name of Notary Public



VANESSA K. ROBERTS
MY COMMISSION # EE 193081
EXPIRES: April 27, 2016
Bonded Thru Budget Notary Services

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

444 Appleyard Drive - Bldg 38
Street or Post Office Box
Tallahassee, FL 32304
City, State, Zip Code

Kimberly A. Moore
Print name as you desire commission issued
Kimberly A. Moore
Signature



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

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2013 JUL -1 AM 10:27
FLORIDA DEPARTMENT OF STATE
DIVISION OF ELECTIONS

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

June 28, 2013

Ms. Kimberly Ann Moore
444 Appleyard Drive, Building 38
Tallahassee, Florida 32304

Dear Ms. Moore:

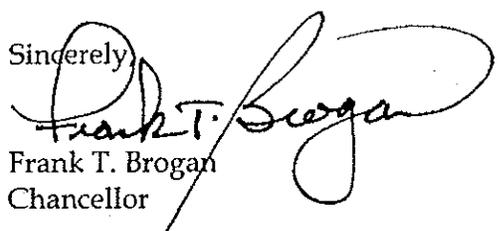
On Thursday, June 20, 2013, the Florida Board of Governors approved the recommendation made by its Trustee Nominating and Development Committee to appoint you as a member of the Florida A&M University Board of Trustees. Please accept our congratulations.

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 the Florida A&M 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 term that began June 20, 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 A&M University Board of Trustees.

Sincerely,


Frank T. Brogan
Chancellor

- c: Dean Colson, Chair, Board of Governors
Mori Hosseini, Chair, Trustee Nominating and Development Committee
Chuck Badger, Chair, Board of Trustees
Larry Robinson, Interim President, Florida A&M University
Linda Barge-Miles, Board of Trustees Liaison
Monoka Venters, Corporate Secretary



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

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2013 JUL -1 AM 10:27
DIVISION OF ELECTIONS

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

June 28, 2013

MEMORANDUM

To: Ms. Inez Williams

From: Monoka Venters *MV*
Corporate Secretary

Subject: Appointment to the University Board of Trustees by the
Board of Governors, June 20, 2013

This is to advise you that the Board of Governors approved the following appointment to the University Board of Trustees, on Thursday, June 20, 2013.

To the Florida A&M University Board of Trustees: Ms. Kimberly Ann Moore was appointed for a term ending January 6, 2018, to the seat previously held by Mr. C. William "Bill" Jennings.

Attached is a copy of the letter from Chancellor Frank T. Brogan.

Thank you for your assistance in processing this appointment for her Senate confirmation. Please call me if you need additional information.

MV/ml

Enclosures

30773

105212

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.

July 12, 2013

Date Completed

1. Name: MS. Moore Kimberly Ann
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 444 Appleyard Drive, Building 38 Tallahassee
Street Office # City
850-201-6061
Area Code/Phone Number

Post Office Box State Zip Code

3. Residence Address: 4149 Ridge Haven Road Tallahassee Leon
Street City County
850-942-9992
Area Code/Phone Number

Post Office Box State Zip Code

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

4149 Ridge Haven Road Tallahassee, FL March 2007 Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

25 Garretts Point Meigs, GA December 2005 Present

5. Date of Birth: 12/23/71 Place of Birth: Monticello, FL

6. Social Security Number _____

7. Driver License Number: _____ ssuing State: FL

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

Kimberly Moore - Mitchell

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DEPARTMENT OF STATE
2013 AUG 23 AM 9:24
DIVISION OF ELECTIONS

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? 1971

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Leon B. Current Party Affiliation: Democrat

12. Education

A. High School: Madison County High School Year Graduated: 1989
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Tallahassee Community College	01/91 - 05/93	Associate of Arts
Florida State University	01/94 - 04/95	Bachelors of Science
Webster University	08/04 - 05/06	Masters of Business Administration

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Tallahassee Community College	Educational Institution	VP for Workforce Development	03/13 - Present
WORKFORCE plus	Regional Workforce Board	Chief Executive Officer	09/01 - 02/13

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
Revenue Specialist II	Department of Revenue	08/95 - 08/97

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

My interest in the appointment as trustee is two-fold, with the primary reason being a recognition of what education has meant to me as the first member of my family to earn a college degree. Moreover, how that education coupled with hard work has afforded me the opportunity to carry out my childhood dream of becoming a CEO. As a result of my own life experiences, I have a keen desire to pay it forward and ensure that others will have an opportunity to live out their dreams. Secondly, my experience in leading a recognized company whose primary objective was to foster trust at all levels, ensure transparency and accountability with outcomes, serves as direct evidence of my ability to provide value and strong leadership as a trustee.

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:

Master of Business Administration

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

Tallahassee Community Distinguished Alumnae - 2006

Keiser University - Advisory Board Member of Distinction Award - 2008

Florida A&M University - Small Business Development Center - 2010 Small Business Champion Award

D. Identify all association memberships and association offices held by you that relate to this appointment:

National Association of Workforce Development Professionals

Lively Technical Center Student Advisory Council - Chair 2005 - Present

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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
---------------------	----------------------------------------	-----------------------	----------------------------

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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
WORKFORCE plus	Chief Executive Officer	Legislatively established sub-recipient of funding
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Tim Meenan			
Bill College			
Martin Shipman			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
(See 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

Question #28:

1. Leon County Economic Development Council
100 N Duval Street
Tallahassee, Florida 32301
Member Since 2005 - 2013
Positions Held: Executive Committee member
2. Leon County Enterprise Zone Development Agency (EZDA)
317 E. Call Street
Tallahassee, Florida 32301
Member Since 2006 - 2013
Positions Held: Board Member
3. Lively Student Advisory Council
500 N. Appleyard Drive
Tallahassee, Florida 32304
Member Since 2005
Positions Held: Chair (8 years)
4. Keiser University Business Advisory Council
1700 Halstead Boulevard
Tallahassee, Florida 32309
Member Since 2007
Positions Held: Council member
5. Wakulla County Chamber of Commerce
23 High Drive
Crawfordville, Florida 32327
Member Since 2007
Positions Held: Secretary, Treasurer, President, Past President
6. Florida's Great Northwest
4471 Legendary Drive
Destin, Florida 32541
Member Since: 2006 - 2011; 2013
Positions Held: Board Member
7. Human Services Grant Review Committee
301 S. Monroe Street, #100
Tallahassee, Florida 32301
Member Since: Two terms (1/13/2004 - 12/31/2005) and (2/16/2008 - current)
Positions Held: Committee member
8. City of Tallahassee Airport Advisory Committee
300 South Adams Street
Tallahassee, Florida 32301
Member Since: 2012
Positions Held: Committee member

9. Leon County Research and Development Authority
1736 W Paul Dirac Drive
Tallahassee, Florida 32310
Member Since: 2013
Positions Held: Governor

10. Early Learning Coalition of the Big Bend
325 John Knox Road, Building L201
Tallahassee, Florida 32303
Member Since: 2005 - 2013
Positions Held: Executive Committee member; Finance Committee Chair (3 years); Advocacy Committee; CEO Selection Committee

11. United Partners for Human Services
317 E. Call Street
Tallahassee, Florida 32301
Member Since 2006
Positions Held: Board Member

12. United Way of the Big Bend
307 E. Seventh Avenue
Tallahassee, Florida 32303
Member: 2006-2012 (Termed Out)
Positions Held: Investment Committee Chair; Finance Committee Chair; CIAR Chair Elect

13. Florida Juvenile Justice Foundation
2767 Centerview Drive
Knight Building Room 3216
Tallahassee, Florida 32399
Member Since 2011
Positions Held: Director, Vice-Chair

RECEIVED
DEPARTMENT OF STATE
2013 AUG 23 AM 9:24
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

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 OF ANY 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

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DEPARTMENT OF STATE
2013 AUG 23 AM 9:24
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Leon

Before me, the undersigned Notary Public of Florida, personally appeared Kimberly A Moore,
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]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 5th day of August, 2013.

[Signature]
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: March 7, 2015

Personally Known OR Produced Identification

Type of Identification Produced _____

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DEPARTMENT OF STATE
2013 AUG 23 AM 9:24
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

(seal)

3020

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

R. Blake Gable

is duly appointed a member of the

**Board of Trustees,
Florida Gulf Coast University**

for a term beginning on the
Twenty-Fifth day of November, 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 Fourth day of February, A.D., 2014.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11 document

31237

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

14 JAN 21 AM 11:49

County of Collier

CLERK OF COURTS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Trustees, Florida Gulf Coast University
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Robt B Gable
Signature

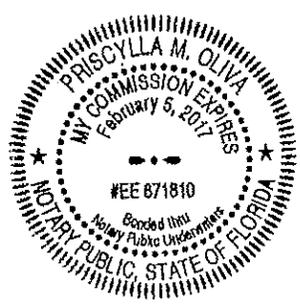
Sworn to and subscribed before me this 16 day of December, 2013

Priscylla M. Oliva
Signature of Officer Administering Oath or of Notary Public

Priscylla M. Oliva
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

2600 Golden Gate Parkway
Street or Post Office Box

BLAKE GABLE
Print name as you desire commission issued

Naples, Florida 34105
City, State, Zip Code

[Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2013 DEC -4 AM 10:56
DIVISION OF ELECTIONS
TALLAHASSEE, FL

November 25, 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 Section 1001.71, Florida Statutes:

Mr. Robert B. Gable
2600 Golden Gate Parkway
Naples, Florida 34105

as a member of the Board of Trustees, Florida Gulf Coast University, succeeding Scott Lutgert, subject to confirmation by the Senate. This appointment is effective November 25, 2013, for a term ending January 6, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/pb

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.

14 JAN 21 AM 11:49

12/16/13

Date Completed

1. Name: Mr. Gable Robert Blakelee
 Mr./Mrs./Ms. Last First Middle/Maiden

DIVISION OF ELECTIONS
 SECRETARY OF STATE

2. Business Address: 2600 Golden Gate Parkway Naples
 Street Office # City
Florida 34105 239-262-2600
 Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 375 Putter Point Drive Naples Collier
 Street City County
Florida 34103
 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
375 Putter Point Drive	Naples, FL	34103	

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
Tulane University	New Orleans, LA	1989	1993
2129 Tunlow Rd	WASH, DC	1994	1999

5. Date of Birth: 3/12/1971 Place of Birth: NAPLES, FL

6. Social Security Number: _____

7. Driver License Number: _____ ssuing 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? 1999

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: NAPLES HIGH SCHOOL Naples, FL Year Graduated: 1989
(Name and Location)

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
<u>Tulane University, New Orleans, LA</u>	<u>1989-1993</u>	<u>B.A.</u>
<u>FGCU, Fort Myers, FL</u>	<u>1999-2000</u>	<u>M.B.A.</u>

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
<u>Baron Collier Companies</u>	<u>Real Estate</u>	<u>President</u>	<u>1999 - Current</u>
<u>2600 Golden Gate Pkwy</u>			
<u>Naples, Florida 34105</u>			

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.

As a native of Naples, Florida and an early graduate of FGCU MBA program, I have seen the growth of the region and the University firsthand. In its brief history, FGCU has had a remarkable impact on the region. I believe that my history in the area as well as my professional experience as President of one of the most established and recognized companies, Barron Collier Company, leave me uniquely qualified to serve on the Board of Trustees.

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:

I serve in a variety of local Boards and professional organizations, as well as serving on the Finance Committee for a local private school. These give me the opportunity to interface with a broad cross-section of the local community, and therefore gain a greater understanding of the needs of the community. These include both past, and present; YMCA, United Way, Urban Land Institute, Chamber of Commerce & Community School of Naples.

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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
_____	_____	_____	_____
_____	_____	_____	_____

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____
_____	_____	_____

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
State Legislature and Executive Branch - Barron	Collier Company

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
John Schmieding			
Ed Morton			
Brad Marshall			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
United Way - Collier County Board of Directors			2007-2011
YMCA - Collier County Trustee			2006-2010
Randy Roberts Foundation - Board of Directors			2009-present
Enterprise Florida - Board of Directors			2010-present
Immokalee Foundation - Board of Directors			2010-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

RECEIVED

14 JAN 21 AM 11:40

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 OF ANY 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

CERTIFICATION

RECEIVED

14 JAN 21 AM 11:49

STATE OF FLORIDA

COUNTY OF Collier

DIVISION OF ELECTIONS
SECRETARY OF STATE

Before me, the undersigned Notary Public of Florida, personally appeared

Robert Blakester Grable

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.

Robert B Grable

Signature of Applicant-Affiant

Sworn to and subscribed before me this 16 day of December, 2013.

Priscilla M. Oliva

Signature of Notary Public-State of Florida

Priscilla M. Oliva

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 2/5/17

Personally Known OR Produced Identification

Type of Identification Produced _____



(seal)

3033

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

William M. Brown

is duly appointed a member of the

Board of Trustees,

Florida Polytechnic University

for a term beginning on the

Tenth day of June, A.D., 2013,

until the Seventh day of November, A.D., 2017

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-Ninth day of July, A.D., 2013.*



Secretary of State



If photocopied or chemically altered, the word "VOID" will appear

State of Florida appears in small letters across the face of this 8 1/2 x 11 document

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2013 JUL 29 AM 10:54
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Brevard

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

FL Polytechnic University Board of Trustee
(Title of Office)

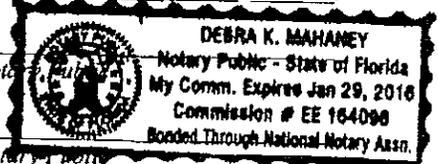
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

William M. Brown
Signature

Sworn to and subscribed before me this 22nd day of July, 2013.

Debra K. Mahaney
Signature of Officer Administering Oath or of Notary Public



Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

1025 W NASA BLVD.
Street or Post Office Box

MELBOURNE, FL 32919
City, State, Zip Code

William M. Brown
Print name as you desire commission issued

William M. Brown
Signature



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

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DEPARTMENT OF STATE
2013 JUL -1 AM 10:28

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

June 28, 2013

Mr. William M. Brown
The Harris Corporation
Mailstop A-21A
1025 West NASA Boulevard
Melbourne, FL 32901

Dear Mr. Brown:

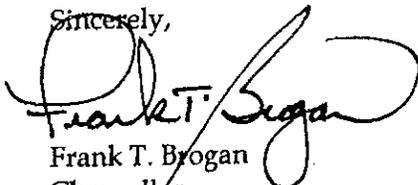
On Monday, June 10, 2013, the Florida Board of Governors approved the recommendation made by its Trustee Nominating and Development Committee to reappoint you as a member of the Florida Polytechnic University Board of Trustees. Please accept our congratulations.

The reappointment 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 Polytechnic University as you continue to serve in the capacity of a trustee. The reappointment, subject to confirmation by the Florida Senate, and your attendance of a System orientation session conducted by the Board of Governors, is for a term that began June 10, 2013 and ends on November 7, 2017.

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 continuing to work with you as a member of the Florida Polytechnic University Board of Trustees.

Sincerely,



Frank T. Brogan
Chancellor

c: Dean Colson, Chair, Board of Governors
Mori Hosseini, Chair, Trustee Nominating and Development Committee
Rob Gidel, Chair, Board of Trustees
Ava Parker, Chief Operating Officer, Florida Polytechnic University
Gina DeJulio, Board of Trustees Liaison
Monoka Venters, Corporate Secretary



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

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2013 JUL -1 AM 10:28
DIVISION OF ELECTIONS

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

June 28, 2013

MEMORANDUM

To: Ms. Inez Williams

From: Monoka Venters, Corporate Secretary *MV*

Subject: Re-appointments to the Florida Polytechnic University Board of Trustees
by the Board of Governors

This memo is to advise you that the Board of Governors approved the following re-appointments to the Florida Polytechnic University Board of Trustees, on Monday, June 10, 2013. All re-appointments were made because the Senate took no action on the appointees during the 2013 Legislative Session. Paragraph (1)(e) of Section 114.05, Florida Statutes, provides that a vacancy exists in the office when the Senate fails to take action on an appointee prior to adjournment sine die; however, an appointee may be re-appointed.

To the Florida Polytechnic University Board of Trustees: Dr. Richard Hallion and Mr. Don Wilson were re-appointed for terms ending July 15, 2014. Mr. Frank T. Martin and Dr. Sandra Featherman were re-appointed for terms ending July 15, 2015. Mr. William Mitchell Brown was re-appointed for a term ending November 7, 2017. All trustees are appointed to the seat that they previously held.

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 contact me at (850) 245-9718 or monoka.venters@flbog.edu if you need additional information.

Enclosures

104921

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.

07/22/2013

Date Completed

1. Name: Mr. Brown William Mitchell
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 1025 West NASA Boulevard, Mailstop A-21A Melbourne
Street Office # City
FL 32919 321/724-3900

Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 3059 Wyndham Way Viera Brevard
Street City County
FL 32940 n/a

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
3059 Wyndham Way	Viera, FL	02/2013	present
2240 Front Street, Unit #103	Melbourne, FL	09/2012	02/2013
85 Ridgebury Road	Avon, CT	08/2006	08/2012

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
20 Cuscaden Road	Singapore	01/2004	08/2006
2603 Widgeon Path	Syracuse, NY	06/2000	12/2003
55 Avalon Drive	Avon, CT	08/1997	06/2000
2780 Milano Drive	Easton, PA	08/1990	08/1997
3500 Powelton Avenue	Philadelphia, PA	08/1988	08/1990

5. Date of Birth: October 30, 1962 Place of Birth: Allentown, PA

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

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DIVISION OF ELECTIONS

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: Brevard B. Current Party Affiliation: Republican

12. Education

A. High School: Allentown Central Catholic, Allentown, PA Year Graduated: 1980
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Villanova University</u>	<u>1980-84; 1984-87</u>	<u>Bachelor's/Master's in Mechanical Engineering</u>
<u>University of Pennsylvania</u>	<u>1988-1990</u>	<u>MBA</u>

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
<u>June 2012</u>	<u>Melbourne, FL</u>	<u>speeding ticket</u>	<u>paid \$250 fine</u>

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Harris Corporation</u> <u>1025 West NASA Boulevard, Melbourne, FL 32919</u>	<u>Communications/IT</u>	<u>President & CEO</u>	<u>Nov. 1, 2001-present</u>
<u>United Technologies Corporation</u> <u>UTC Building, Hartford, CT 06101</u>	<u>Multi-industry</u>	<u>SVP, Business Development</u> <u>President, UTC Fire & Security</u>	<u>08/1997-10/2011</u>

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Advanced degrees in engineering and business

CEO of a Florida-based high-technology company

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:

Bachelor's/Master's in Mechanical Engineering

MBA

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

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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
---------------------	----------------------------------------	-----------------------	----------------------------

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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
Harris Corporation	President & CEO	Sales contract -- Development of Health Information Exchange; Management of State Law Enforcement Radio System
_____	_____	_____
_____	_____	_____

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Robert Duffy			
Scott Mikuen			
Bill Conner			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
FDNY Foundation	9 Metrotech Center, Brooklyn, NY 11201	Board of Trustees	2007-present
AIA	1000 Wilson Blvd., Suite 1700, Arlington, VA 22209	various committees	2011-present
Harris Corporation	1025 W. NASA Blvd., Melbourne, FL 32919	Board	2011-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

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 OF ANY 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

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CERTIFICATION

STATE OF FLORIDA
COUNTY OF Brevard

Before me, the undersigned Notary Public of Florida, personally appeared
William M. Brown

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.

William M. Brown
Signature of Applicant-Affiant

Sworn to and subscribed before me this 22nd day of July, 2013.

Debra K. Mahaney
Signature of Notary Public-State of Florida

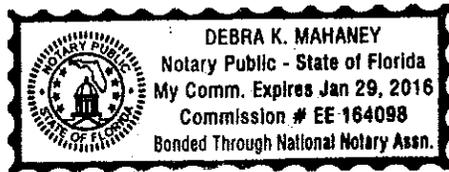
Debra K. Mahaney
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: January 29, 2016

Personally Known OR Produced Identification

Type of Identification Produced _____

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(seal)

3033

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Mark Bostick

is duly appointed a member of the
Board of Trustees,
Florida Polytechnic University
for a term beginning on the
Sixteenth day of May, A.D., 2013,
until the Thirtieth day of June, A.D., 2015
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 June, A.D., 2013.*



Secretary of State



DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

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DIVISION OF ELECTIONS

STATE OF FLORIDA

County of POLK

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Member, Board of Trustees, Florida Polytechnic University

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Mark Bostick
Signature

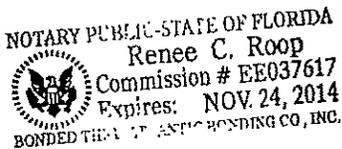
Sworn to and subscribed before me this 5th day of June, 2013.

Renee C. Roop
Signature of Officer Administering Oath or of Notary Public

Renee C. Roop
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

P.O. Drawer 67
Street or Post Office Box
Auburndale, FL 33823-0067
City, State, Zip Code

Mark Bostick
Print name as you desire commission issued
Mark Bostick
Signature



RICK SCOTT
GOVERNOR

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DIVISION OF ELECTIONS
SECRETARY OF STATE

May 16, 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 1004.345, Florida Statutes:

Mr. R. Mark Bostick
502 East Bridgers Avenue
Auburndale, Florida 33823

as a member of the Florida Polytechnic University Board of Trustees, subject to confirmation by the Senate. This appointment is effective May 16, 2013 for a term ending June 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/kb

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.

06-19-13

Date Completed

1. Name: Mr. Bostick R. Mark
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 502 E. Bridgers Avenue Auburndale
Street Office # City
P.O. Drawer 67 FL 33823 863-965-6801
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 2300 N. Scenic Highway, 27 Mountain Lake, Lake Wales Polk
Street City County
FL 33898 863-679-5200
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # 863-965-1093
(optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
2300 N. Scenic Highway, 27 Mountain Lake, Lake Wales, FL		3/11	Present
169 Lake Otis Drive, S.E., Winter Haven, FL		5/98	3/11

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: 5/7/54 Place of Birth: Lakeland, FL

6. Social Security Number: _____

7. Driver License Number: _____ ing State: FL

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

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 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? 1954

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Polk

B. Current Party Affiliation: Republican

12. Education

A. High School: Sante Fe Regional High School, Lakeland, FL
(Name and Location)

Year Graduated: 1972

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Univ. of the South, Sewanee, TN</u>	<u>1972-1974</u>	
<u>Tulane Univ., New Orleans, LA</u>	<u>1974-1977</u>	<u>B.A. Economics 1976 & MBA 1977</u>

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
--------------------------------------	-------------------------	-----------------------------	-----------------------------

<u>Comcar Industries, Inc., 502 E. Bridgers Ave., Auburndale, FL;</u>	<u>Trucking & Transportation;</u>	<u>President;</u>	<u>1989 to the present</u>
-----------------------------------------------------------------------	---------------------------------------	-------------------	----------------------------

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
-----------------	-------------------------	-----------------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

As a lifelong resident of Florida, as well as Polk County, I have a keen interest in supporting our local university system. In my opinion, assisting Florida Polytechnic University not only helps our local educational system, but also helps our statewide system provide a polytechnic type of education.

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:

None

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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
---------------------	----------------------------------------	-----------------------	----------------------------

Board Member, Governor's Commission on Reform of Education; Appt. by Gov. Martinez; State			
-------------------------------------------------------------------------------------------	--	--	--

Board Member, Florida Taxation and Budget Reform Commission; Appointed in 2007; State			
---------------------------------------------------------------------------------------	--	--	--

Board Member, Florida State Fair Authority; Appointed in 2011; State			
----------------------------------------------------------------------	--	--	--

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Meetings were frequent and I do not remember missing any meetings

(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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Hon. Adam Putnam,			
Sheriff Grady Judd,			
Barney Barnett,			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
All Saints' Academy,	5001 St. Rd. 540 W., Winter Haven, FL 33880;	Founding Chairman & Board of Trustees;	1995 to the present
Univ. of FL,	Shands Cancer Ctr., P.O. Box 103633, Gainesville, FL;	Advisory Board Member;	2004 to the present
Tulane Univ. Business School Council;	6823 St. Charles Ave., New Orleans, LA;	Board Member;	2003 to the present
Florida Taxation & Budget Reform Comm.,	600 S. Calhoun St., Tallahassee, FL;	Board Member;	2007
See also attached sheet			

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

R. Mark Bostick
Questionnaire for Senate Confirmation

28.

Name Mailing Address Office(s) Held & Term Date(s) of Membership

Winter Haven Hospital, 200 Avenue F, N.E., Winter Haven, FL; Board Member; 1996 to the present

Gator Boosters, Inc.; P.O. Box 13796, Gainesville, FL 32604; Board Member; 1989 to the present

Current member of FL Trucking Assn., Amer. Trucking Assn., Truckload Carriers Assn., FL Council of 100; Assoc. Industries of FL; & FL Tax Watch

CERTIFICATION

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DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA
COUNTY OF POLK

Before me, the undersigned Notary Public of Florida, personally appeared

R. Mark Bostick

who, after being duly 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.

R. Mark Bostick

Signature of Applicant-Affiant

Sworn to and subscribed before me this 19th day of June, 2013.

Renee C. Roop

Signature of Notary Public-State of Florida

NOTARY PUBLIC-STATE OF FLORIDA
Renee C. Roop
Commission # EE037617
Expires: NOV. 24, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

Renee C. Roop

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 11-24-14

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

3033

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Donald H. Wilson

is duly appointed a member of the
Board of Trustees,
Florida Polytechnic University

for a term beginning on the
Tenth day of June, A.D., 2013,
until the Fifteenth day of July, A.D., 2014
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-Ninth day of July, A.D., 2013.*



Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE
(Art. II, § 5(b), Fla. Const.)

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DEPARTMENT OF STATE
2013 JUL 15 AM 11:34
FLORIDA STATE
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Polk

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

BOARD OF TRUSTEES, FLORIDA POLYTECHNIC UNIVERSITY
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Donald H. Wilson

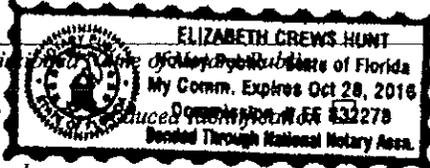
Signature

Sworn to and subscribed before me this 11th day of July, 2013

Elizabeth Crews Hunt

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commission



Personally Known OR

Type of Identification Produced

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

245 South Central Avenue
Street or Post Office Box

Bartow, Florida 33830
City, State, Zip Code

Donald H. Wilson

Print name as you desire commission issued

Donald H. Wilson

Signature



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

Office of the Chancellor
325 West Gaines Street, Suite 161
Tallahassee, FL 32309
Phone 850.245.0466
Fax 850.245.9668
www.fbog.ec

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2013 JUL -1 AM 10:28
DIVISION OF ELECTIONS

June 28, 2013

Mr. Donald H. Wilson
Boswell & Dunlap, LLP
Post Office Box 30
Bartow, Florida 33831

Dear Mr. Wilson:

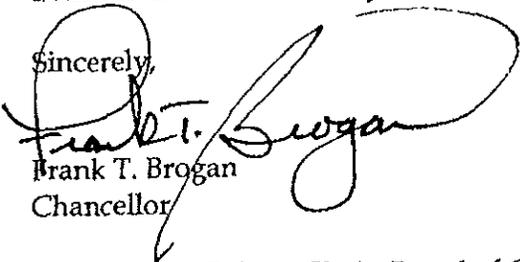
On Monday, June 10, 2013, the Florida Board of Governors approved the recommendation made by its Trustee Nominating and Development Committee to reappoint you as a member of the Florida Polytechnic University Board of Trustees. Please accept our congratulations.

The reappointment 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 Polytechnic University as you continue to serve in the capacity of a trustee. The reappointment, subject to confirmation by the Florida Senate, is for a term that began June 10, 2013 and ends on July 15, 2014.

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 continuing to work with you as a member of the Florida Polytechnic University Board of Trustees.

Sincerely,


Frank T. Brogan
Chancellor

- c: Dean Colson, Chair, Board of Governors
Mori Hosseini, Chair, Trustee Nominating and Development Committee
Rob Gidel, Chair, Board of Trustees
Ava Parker, Chief Operating Officer, Florida Polytechnic University
Gina DeJulio, Board of Trustees Liaison
Monoka Venters, Corporate Secretary



STATE
UNIVERSITY
SYSTEM
of FLORIDA

Board of Governors

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DIVISION OF ELECTIONS

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

June 28, 2013

MEMORANDUM

To: Ms. Inez Williams

From: Monoka Venters, Corporate Secretary *MV*

Subject: Re-appointments to the Florida Polytechnic University Board of Trustees by the Board of Governors

This memo is to advise you that the Board of Governors approved the following re-appointments to the Florida Polytechnic University Board of Trustees, on Monday, June 10, 2013. All re-appointments were made because the Senate took no action on the appointees during the 2013 Legislative Session. Paragraph (1)(e) of Section 114.05, Florida Statutes, provides that a vacancy exists in the office when the Senate fails to take action on an appointee prior to adjournment sine die; however, an appointee may be re-appointed.

To the Florida Polytechnic University Board of Trustees: Dr. Richard Hallion and Mr. Don Wilson were re-appointed for terms ending July 15, 2014. Mr. Frank T. Martin and Dr. Sandra Featherman were re-appointed for terms ending July 15, 2015. Mr. William Mitchell Brown was re-appointed for a term ending November 7, 2017. All trustees are appointed to the seat that they previously held.

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 contact me at (850) 245-9718 or monoka.venters@flbog.edu if you need additional information.

Enclosures

104922

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.

July 25, 2013

Date Completed

1. Name: Mr. Wilson, Donald Herbert

Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 245 S. Central Ave., Bartow, FL 33830 (863) 533-7117

Street Office # City

Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 579 4th Street (P.O. Box 100), Homeland, FL 33847 -- Polk County

Street City County

(863) 533-1445

Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # (863) 533-7412 (optional)

4. A. List all your places of residence for the last five (5) years.

Address City & State From To
579 4th Street, Homeland, FL 1987 to Present 2013 JUL 29 AM 10:55

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address City & State From
none

5. Date of Birth: December 17, 1950 Place of Birth: Lakeland, FL

6. Social Security Number:

7. Driver License Number: ; 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

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? 1950

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Polk B. Current Party Affiliation: Republican

12. Education

A. High School: Bartow High School Year Graduated: 1969
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Stetson University, Deland, FL	1969-1973	B.S.
University of Florida, Gainesville, FL	1973-1976	J.D.

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Boswell & Dunlap, LLP 245 S. Central Ave., Bartow, FL	Law Firm	Partner/Attorney	1980 to Present

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I am a 5th generation resident of Polk County. For over 30 years I have represented the Board of Trustees of Polk State College and the Polk County School Board. For the past year I have served as a Trustee for Florida Polytechnic and have been very involved in the Board's efforts to get the institution up and running. I believe my experience will be a valuable resource for the Board as the University begins operations.

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:

I believe my law degree, Florida Bar membership and experience practicing law will benefit the Board of Trustees.

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:

I have been a member of the Florida Bar since 1976.

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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Polk County Historical Commission,	Appointed 1985,	Served 8 Years,	County
Judicial Nominating Commission,	10th Circuit, Appointed 2002,	Have served 10 years,	State

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Historical Comm.--Monthly; Jud. Nom. Comm.--As Needed

(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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>I regularly attended the Historical Comm. meetings, but I have no records of specific meetings missed.</u>		
<u>I do not believe that I ever missed a Judicial Nominating Comm. meeting.</u>		

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

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 for Florida Polytechnic University

B. Term of Appointment: 2012-2014

C. Confirmation results: None of the FUP Trustees were acted upon by the Senate

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
<u>Florida Bar # 22208</u>	<u>1976</u>	<u>Florida Bar</u>	<u>None</u>

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
<u>Boswell & Dunlap, LLP, in which I am a partner, has provided legal representation as outside counsel to</u>		
<u>Polk State College, The Polk County School Board, and the municipalities of Bartow, Winter Haven, Dundee and Lake Alfred.</u>		

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OCT 28 2013

COMPLIANCE SECTION

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Dr. Eileen Holden, I			
Adam H. Putnam,			
Carolyn K. Roberts,			

Detw

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
The Florida Bar,	Tallahassee, FL,	None	1976 to Present
Bartow Kiwanis Club,	POB 2900, Bartow, FL	Director	1980 to 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

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 OF ANY 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

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2013 JUL 29 AM 10:56
DIVISION OF ELECTIONS

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OCT 28 2013

COMMITTEE ON
ETHICS AND ELECTIONS

CERTIFICATION

STATE OF FLORIDA, COUNTY OF POLK

Before me, the undersigned Notary Public of Florida, personally appeared

Donald Herbert Wilson

, who, after being duly sworn, says: (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 23rd day of October, 2013

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA

NOTARY PUBLIC-STATE OF FLORIDA
Richard A. Lopez
Commission # EE036712
Expires: OCT. 24, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

(PRINT, TYPE OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC)

NOTARY PUBLIC-STATE OF FLORIDA
Richard A. Lopez
Commission # EE036712
Expires: OCT. 24, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____

(SEAL)

(Wilson, 6)

3033

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Robert Wm. Stork

is duly appointed a member of the

**Board of Trustees,
Florida Polytechnic University**

for a term beginning on the
Sixteenth day of May, A.D., 2013,
until the Thirtieth day of June, A.D., 2014
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-Ninth day of August, A.D., 2013.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document

If photocopied or chemically altered, the word "VOID" will appear.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

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2013 SEP -3 AM 10:03
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Indian River

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Trustees, Florida Polytechnic University

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Robert Wm. Stork
Signature



BRIDGETTE M. DEAN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE074227
Expires 3/16/2015

Sworn to and subscribed before me this 29 day of August.

Bridgette M. Dean
Signature of Officer Administering Oath or of Notary Public

Bridgette M. Dean
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

4450 US 1
Street or Post Office Box
Vero Beach Florida 32967
City, State, Zip Code

Robert Wm. Stork
Print name as you desire commission issued
Robert Wm. Stork
Signature



RICK SCOTT
GOVERNOR

RECEIVED
13 MAY 22 AM 10:08
DIVISION OF ELECTIONS
SECRETARY OF STATE

May 16, 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 1004.345, Florida Statutes:

Mr. Robert W. Stork
4450 U.S. 1
Vero Beach, Florida 32967

as a member of the Florida Polytechnic University Board of Trustees, subject to confirmation by the Senate. This appointment is effective May 16, 2013 for a term ending June 30, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/kb

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.

13 SEP -3 AM 10: 05

8-7-2013

Date Completed

1. Name: Mr. Stork Robert William
Mr./Mrs./Ms. Last First Middle/Maiden

DIVISION OF ELECTIONS
SECRETARY OF STATE

2. Business Address: 4450 US Highway 1 Vero Beach
Street Office # City
FL 32967 772-569-5355
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 2900 59th Avenue Vero Beach Indian River
Street City County
FL 32966 772-562-7410
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
2900 59th Avenue	Vero Beach, FL	1994	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
	Rio Piedras, Puerto Rico	1973	1975
	Louisville, KY	1964	1973

5. Date of Birth: 10/31/1951 Place of Birth: Stonington, IL

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? 1975

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Indian River B. Current Party Affiliation: Republican

12. Education

A. High School: Griffin High School Year Graduated: 1969
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Indian River Community College</u>		<u>EMT</u>

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Communications International, Inc.</u>	<u>Radio</u>	<u>CEO</u>	<u>1975 - Present</u>

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Running a business
Emergency deployment

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:

Associates Degree in Electronic Technology -United Electronics Institute -Louisville Ky - 1971
On April 5th 2013 a letter was sent by Vicki McKiddy of Cengage Learning of my completion of that course
You may contact her at (859) 525-5351 for verification

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

Brevard County Citizen of the Year

D. Identify all association memberships and association offices held by you that relate to this appointment:

Tax Watch Member
Chair of Smart Justice

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
Member - Treasure Coast Regional Planning Council 2011 Feb, 2013 Resigned

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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____

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: Treasure Coast Regional Planning

B. Term of Appointment: 2011

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
FCC	1973	FCC	N/A
_____	_____	_____	_____
_____	_____	_____	_____

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
STATE OF FLORIDA	DEPARTMENT OF CORRECTIONS	RADIO REPAIR
STATE OF FLORIDA	FLORIDA HIGHWAY PATROL	RADIO REPAIR
_____	_____	_____
_____	_____	_____

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
FLORIDA HIGHWAY PATROL	SISTER	NONE	CLERICAL

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
DERYL LOAR			
ALLISON DEFOOR			
TOM GRADY			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
TAX WATCH	P.O. BOX 10209, TALLAHASSEE, FL 32302		2010 - 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

RECEIVED

MEMORANDUM

13 SEP -3 AM 10: 05

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 OF ANY 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

CERTIFICATION

RECEIVED

13 SEP -3 AM 10: 05

STATE OF FLORIDA

COUNTY OF INDIAN RIVER

DIVISION OF ELECTIONS
SECRETARY OF STATE

Before me, the undersigned Notary Public of Florida, personally appeared

Robert Wm Stark

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.

Robert Wm Stark

Signature of Applicant-Affiant

Sworn to and subscribed before me this 27th day of August, 2013

Linda L Reed
Signature of Notary Public-State of Florida



LINDA L. REED
MY COMMISSION # DD 958361
EXPIRES: June 4, 2014
Bonded Thru Budget Notary Services

Linda L. Reed
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: June 4 - 2014

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

3033

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Frank T. Martin

is duly appointed a member of the

**Board of Trustees,
Florida Polytechnic University**

for a term beginning on the
Tenth day of June, A.D., 2013,
until the Fifteenth day of July, A.D., 2015
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-Fourth day of September, A.D., 2013.*

Ken Detzner

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2013 SEP 24 AM 9:42

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Orange

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Trustees, Florida Polytechnic University

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Frank T Martin

Signature

Sworn to and subscribed before me this 17th day of September, 2013.

Nancy S. Gerrity

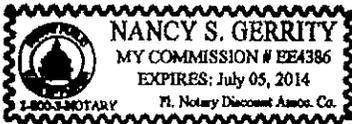
Signature of Officer Administering Oath or of Notary Public

Nancy S. Gerrity

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

11006 Lake Minneola Shrs

Street or Post Office Box

Clermont, FL 34711-9415

City, State, Zip Code

Frank T Martin

Print name as you desire commission issued

Frank T Martin

Signature



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

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DEPARTMENT OF STATE
2013 JUL -1 AM 10:28
DEPARTMENT OF ELECTIONS

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9688
www.flbog.edu

June 28, 2013

Mr. Frank T. Martin
482 South Keller Road
Orlando, Florida 32810

Dear Mr. Martin:

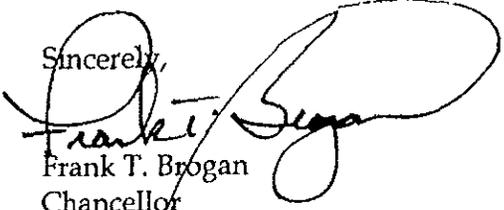
On Monday, June 10, 2013, the Florida Board of Governors approved the recommendation made by its Trustee Nominating and Development Committee to reappoint you as a member of the Florida Polytechnic University Board of Trustees. Please accept our congratulations.

The reappointment 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 Polytechnic University as you continue to serve in the capacity of a trustee. The reappointment, subject to confirmation by the Florida Senate, is for a term that began June 10, 2013 and ends on July 15, 2015.

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 continuing to work with you as a member of the Florida Polytechnic University Board of Trustees.

Sincerely,


Frank T. Brogan
Chancellor

c: Dean Colson, Chair, Board of Governors
Mori Hosseini, Chair, Trustee Nominating and Development Committee
Rob Gidel, Chair, Board of Trustees
Ava Parker, Chief Operating Officer, Florida Polytechnic University
Gina DeJulio, Board of Trustees Liaison
Monoka Venters, Corporate Secretary



STATE
UNIVERSITY
SYSTEM
of FLORIDA

Board of Governors

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2013 JUL -1 AM 10:28

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

June 28, 2013

MEMORANDUM

To: Ms. Inez Williams

From: Monoka Venters, Corporate Secretary *MV*

Subject: Re-appointments to the Florida Polytechnic University Board of Trustees by the Board of Governors

This memo is to advise you that the Board of Governors approved the following re-appointments to the Florida Polytechnic University Board of Trustees, on Monday, June 10, 2013. All re-appointments were made because the Senate took no action on the appointees during the 2013 Legislative Session. Paragraph (1)(e) of Section 114.05, Florida Statutes, provides that a vacancy exists in the office when the Senate fails to take action on an appointee prior to adjournment sine die; however, an appointee may be re-appointed.

To the Florida Polytechnic University Board of Trustees: Dr. Richard Hallion and Mr. Don Wilson were re-appointed for terms ending July 15, 2014. Mr. Frank T. Martin and Dr. Sandra Featherman were re-appointed for terms ending July 15, 2015. Mr. William Mitchell Brown was re-appointed for a term ending November 7, 2017. All trustees are appointed to the seat that they previously held.

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 contact me at (850) 245-9718 or monoka.venters@flbog.edu if you need additional information.

Enclosures

17789

105561

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.

September 16, 2013

Date Completed

1. Name: Mr. Martin Frank Thomas
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 482 South Keller Road Orlando
Street Office # City
Florida 32810 407-806-4462
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 11006 Lake Minneola Shrs Clermont Lake
Street City County
Florida 34711-9415 352-242-0454
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
5997 Miles Blake Drive	Tallahassee, Florida	September 2003	December 2011

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
922 14th Avenue North	Nashville, Tennessee	July 1968	July 1974
10388 Iron Mill Road	Richmond, Virginia	January 1978	June 1980
209 Windview Terrace	Irondale, Alabama	November 1980	May 1984
5430 Stillwater Drive	New Orleans, Louisiana	May 1984	May 1987
288 Jasmine Way	Danville, California	June 2001	August 2003

5. Date of Birth: July 24, 1950 Place of Birth: Nashville-Davidson County, Tennessee

6. Social Security Number: _____

7. Driver License Number: _____ g State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

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DEPARTMENT OF STATE
2013 SEP 24 AM 9:12
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? 2003

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Lake

B. Current Party Affiliation: Republican

12. Education

A. High School: Pearl Senior High Nashville-Davidson County, Tennessee Year Graduated: 1968
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Fisk University Nashville, TN</u>	<u>1/1973 to 5/1974</u>	<u>MURP Master's in Urban and Regional Planning</u>
<u>Tennessee State University</u>	<u>9/1968 to 12/1972</u>	<u>BS, Business Administration</u>

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Atkins North America</u> <u>482 South Keller Road</u> <u>Orlando, FL 32810-6101</u>	<u>Engineering</u>	<u>Senior Vice President</u>	<u>2/2004 to present</u>

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>Assistant Director Rail Services</u>	<u>Miami-Dade County Transit</u>	<u>5/1987 to 5/1999</u>
<u>Mass Transit Planner</u>	<u>North Central Florida Regional Planning Council</u>	<u>7/1974 to 12/1977</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have been serving on the Florida Polytechnic University Board of Trustees since August 2011. I am the Chair of the Operations Committee and serve on the Strategic Planning Committee. Previously, I served on the Florida Board of Governors for six years providing policy direction for the State University System. On the BOG, I served as the Chair of the Strategic Planning Committee including Medical Education and Academic Affairs that marshalled the development of the update of the SUS Strategic Plan, the Annual Accountability Report and implemented the process for the annual development of the University Work Plans.

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:

None

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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
Member, Board of Governors SUS	2/2006	6 years	State
Member, Board of Trustees Florida Polytechnic University		3 year	State
_____	_____	_____	_____
_____	_____	_____	_____

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: 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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
<u>attended all meeting to date</u>		

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

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: Florida Board of Governors State University System

B. Term of Appointment: February 6, 2006 to March 23, 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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
-------------------------	--------------------------------------	-----------------------------------------

Atkins Senior Vice President

Atkins is a full service architectural and engineering firm with North America Headquarters in Tampa, FL. The firm has multiple contracts with local, county, regional and state agencies throughout the State of Florida.

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
Los Angeles County Metropolitan Transportation Authority, CA	Atkins

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Francis Hooper, APTA			
Nancy Gerrity			
Jackie Davison			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
American Public Transportation Association	1666 K Street	Washington, DC BMBG	10/2009 to present
COMTO	1875 I Street, NW	Washington, DC 20006	Board Member 07/2008 to 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

CERTIFICATION

RECEIVED
DEPARTMENT OF STATE
2013 SEP 24 AM 9:42
DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA
COUNTY OF Orange

Before me, the undersigned Notary Public of Florida, personally appeared Frank J. Martin, 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.

Frank Thomas Mast
Signature of Applicant-Affiant

Sworn to and subscribed before me this 17th day of September, 2013.

Nancy S. Gerrity
Signature of Notary Public-State of Florida

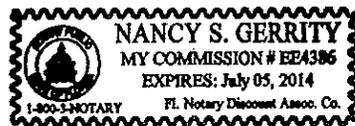
Nancy S. Gerrity

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 07/05/14

Personally Known OR Produced Identification

Type of Identification Produced _____



(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 OF ANY 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

3033

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Kevin M. Hyman

is duly appointed a member of the
**Board of Trustees,
Florida Polytechnic University**

for a term beginning on the
Sixteenth day of May, A.D., 2013,
until the Thirtieth day of June, A.D., 2015
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 Third day of June, A.D., 2013*

Ken Detzner

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear

State of Florida appears in small letters across the face of this 8 1/2 x 11 document

29497

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

13 MAY 31 AM 9:59

County of Orange

DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Member, Board of Trustees, Florida Polytechnic Univers
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 30th day of May, 2013

[Signature]
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

301 East Pine St, #600

Street or Post Office Box

Orlando, FL 32801

City, State, Zip Code

Keyin M. Hyman

Print name as you desire commission issued

[Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED
13 MAY 22 AM 10:08
DIVISION OF ELECTIONS
SECRETARY OF STATE

May 16, 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 1004.345, Florida Statutes:

Mr. Kevin M. Hyman
301 East Pine Street
Suite 600
Orlando, Florida 32801

as a member of the Florida Polytechnic University Board of Trustees, subject to confirmation by the Senate. This appointment is effective May 16, 2013 for a term ending June 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/kb

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.

13 MAY 31 AM 9:59
 DIVISION OF ELECTIONS
 SECRETARY OF STATE
 Kevin

May 30th 2013
 Date Completed

1. Name: Mr. Hyman Michael
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 301 East Pine Street, Suite 600 Orlando
Street Office # City
Florida 32801 407-210-3151
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 1161 Interlochen Blvd Winter Haven Polk
Street City County
Florida 33884 863-326-9676
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.

<u>Address</u>	<u>City & State</u>	<u>From</u>	<u>To</u>
1161 Interlochen Blvd	Winter Haven, FL	2002	Present

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

<u>Address</u>	<u>City & State</u>	<u>From</u>	<u>To</u>
Santa Rosa Drive	Winter Haven, FL	1996	2002
Main Street	Springvale, Maine	1974	1976
Pleasant Street	Sanford, Maine	1976	1978
405 Burdette Court	Woodland Park, CO	1978	1981
304 Crystal Hills Blvd	Manitou, CO	1981	1983
75 Huntington Place	Colorado Springs CO	1983	1985

5. Date of Birth: March 8, 1950 Place of Birth: Dallas, Texas

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? _____

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Polk B. Current Party Affiliation: Republican

12. Education

A. High School: Harrison High School, Colorado Springs, CO Year Graduated: 1968
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>University of Northern Colorado, Greeley CO</u>	<u>1968 - 1972</u>	<u>BA Economics</u>
<u>University of Rhode Island, Kingston RI</u>	<u>1972 - 1974</u>	<u>MA Economics</u>

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
<u>None in the past five (5) years. I had a few speeding tickets many years ago; however, those dates are unknown.</u>			

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Bright House Networks 301 E Pine St #600 Orlando FL 32801</u>	<u>Communications</u>	<u>EVP Operations</u>	<u>Jan 2008-present</u>
<u>Bright House Networks 700 Carillon Pkwy, St. Pete, FL 33716</u>	<u>President Tampa Bay Operations</u>	<u>Aug 2004 - Jan 2008</u>	

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Please see attached

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:

Please see 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):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
---------------------	----------------------------------------	-----------------------	----------------------------

X **Question 17 A State your interests and experiences or elements of your personal history that qualify you for this position.**

Interests:

Upon graduation from the University of Rhode Island I was offered and accepted a position teaching Economics at a small Liberal Arts College in Springvale, Maine. Within two years I became the coordinator (chairman) of the department of Business and Economics. The college was struggling financially and enrollment was dwindling during the post Viet Nam war era. As the department chairman I became very active as a faculty representative involved in the overall business administration of the college. Mindful of the fact that I was in my early 20's working with a faculty and staff long in experience, education and opinions, I was please to have exerted some minor influences that lead to short financial successes for the college. In the course of these experiences I created and influenced the administration to create a series of scholarships for both academic and athletic purposes. The goal was to utilize the college's excess facility capacity and over employment of teaching staff to exploit the marginal costs associated to educate additional students while simultaneously creating new revenue sources via the partial scholarship program. The program provided a subtle change of direction for the college as we were able to recruit high end academic students in Maine via our ability to be financially competitive with the University of Maine state college and university system. We achieved financial success while raising the academic prowess of our students. However, it was what I could not achieve that remains my most valuable experience from these days. I could see an institution once flourishing during the Viet Nam War era show signs of failure as the war and military draft were coming to an end. The growth of the college in the 1960's was not the result of a well defined vision for the future but by default as a result of the Viet Nam war. Basically the college needed to evolve and develop a vision and strategic plan in order to adapt to the massive societal change resulting from the end of the war. My failure to convince the faculty and administration of this changing need resulted in the long term demise of this institution. Basically the College's inability to formulate a strategic meaningful vision within the realm of higher education was doomed to failure once the reasons for its nourishment (Viet Nam war) abated and the college had to stand its own ground to be a self sustaining meaningful institution in higher education. The spheres of influence that chose to ignore the changes were left with nothing in just a few years as the assets of the college were ultimately sold to the University of Southern Maine.

How does this relate to Florida Polytechnic University? Florida Polytechnic University, regardless of the awkwardness surrounding its genesis, provides a wonderful opportunity for the State of Florida to evolve its higher education mission to be responsive to the future needs of the State and our society at large. Florida Polytechnic represents the appropriate evolution in Florida's higher education systems to address the long overdue changes to provide the education foundation that will lead to a more prosperous state economy in years to come. The controversy surrounding the emergence of this university signaled what would become a long and arduous struggle between those in higher education who cherished the past more than concern about the future needs of our State and citizens. The independence of the institution will allow those passionate about the vision to devote their time to the strategy and tactics related to the schools development that will insure success.

Experiences:

Currently I am the Executive Vice President of Bright House Networks, a communications company with Headquarters in Orlando, Florida and Syracuse, New York. Bright House Networks is the nation's 6 largest MSO (Multiple System Operator) although 80-85 percent of its revenues and customer base is here in Florida. Bright House is a private family owned entity and I serve at the highest non-family level in the company. My position is responsible for the oversight of all operations in the United States including customer service, marketing, commercial business services and support, advertising sales, government and community relations, public relations, and financial operations. Prior to this position, but still with Bright House, I was the President of the Tampa Bay Division - one of the major operating entities that now reports to me.

I have held leadership positions in the cable television or communications business since 1985 when I formed my own company in Colorado Springs that was ultimately sold to Time Warner Communications. I stayed with Time Warner after the sale and assumed roles as General Manager of Operations in their Colorado Springs operation and subsequently moved to Florida (1995) working with Time Warner as a VPGM within the Tampa Bay Division.

Prior to my experiences in cable television I was employed as a VP/Special Partner of a regional investment banking company (Boettcher and Associates, Denver Colorado) from 1978 to 1985. I graduated from the University of Rhode Island in 1974 with a Master's degree in Economics and subsequently accepted a teaching position at Nason College in Springvale, Maine from 1974 to 1978. I was promoted to the position of Assistant Professor in 1977 and named the Coordinator for the Department of Business and Economics in 1976. While at the school I coached varsity baseball in 1976 and Lacrosse in 1975. Nason was an NCAA Division III school at the time.

I believe this unique blend of experiences and my passionate interest qualify me for this position. I have exemplified strong leadership skills and led an organization that has morphed several times in the past decade in response to rapidly changing competitive dynamics and technological developments. I had a unique experience as a young faculty member with administrative responsibilities to gain a perspective regarding the challenges of defining a mission in the course of conflict between legacy educational goals and objectives and responding to a rapidly changing society.

Question 17D Identify all association memberships and association offices held by you that relate to this appointment:

Community and Civic Activities

I am currently on the Board of Enterprise Florida and formerly on the Board of the Tampa Bay Partnership. I served on the Hernando County Education Foundation Board of Directors and the Lakeland Economic Development Council. I was the co-founder of the Polk County American Heart Association's Cattle Baron's Ball. Board Member of the Pikes Peak Better Business Bureau. President of the Pikes Peak Amateur Hockey Association and Trustee of the Bob Johnson Foundation.

Professional Organizations

Currently serve on the Florida Cable Television Association 2004 – Present; Chairman 2008

Colorado Cable Television Association 1992 - 1995

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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been 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
Please see the attached listing of the communication services we provide to local government and communities.
This is a comprehensive listing and any commissions are not intentional.

A

25 A

Tampa Customers

- CHILDRENS MUSEUM OF TAMPA
- CITRUS CNTY BD OF CNTY COM
- CITRUS CNTY CLK OF CIRC CT
- CITRUS CNTY RETARDED CITIZ
- CITRUS CNTY SHERIFF OFFICE
- CITRUS CNTY TAX COLLECTOR
- CITRUS COUNTY SCHOOL BOARD
- CITRUS PROPERTY APPRAISER
- CITY NEW PORT RICHE LIBRY
- CITY OF BARTOW
- CITY OF CLEARWATER
- CITY OF CRYSTAL RIVER
- CITY OF GULFPORT
- CITY OF LARGO
- CITY OF PINELLAS PARK
- CITY OF PLANT CITY
- CITY OF SAFETY HARBOR LIBR
- CITY OF ST PETE BEACH
- CITY OF ST PETERSBURG
- CITY OF TAMPA
- CITY OF TAMPA PARK AND REC.
- CITY TAMPA WATER PRODU DIV
- CLEARWTR HOUSING AUTHORITY
- City of Tampa CONVENTION CENTER
- City of Tampa EIGHTEENTH PUMP STATN
- DISTRICT SCH.BD PASCO CNTY
- DUNEDIN PUBLIC LIBRARY
- FLORIDA UNIVERSITY
- HAINES CITY POLICE DEPT
- HCG CS HEAD START
- HCG HEALTH AND SOCIAL SERV
- HERNANDO COUNTY GOVERNMENT
- HILLS CNTY RESCUE SERVICE
- HILLS COUNTY PUBLIC DEFEND
- HILLSBOR COMMUNITY COLLEGE
- HILLSBOROUGH CNTY GOVERNME
- HILLSBOROUGH COURT HOUSE
- MANATEE CNTY PUBLIC SAFETY
- MANATEE CNTY RURAL HEA INC
- MANATEE CO GOVT UTILITIES
- MANATEE COMMUNITY COLLEGE
- MANATEE COUNTY
- POLK CNTY COURTHOUSES
- PASCO CNTY BOCC COSN
- PASCO CNTY SYSTEM LIBRARY
- PASCO HE COMMUNITY COLLEGE

Orlando Customers

- Azure Winter Park - Summerwind
- BREVARD WORKFORCE DEVELOPMENT
- City of Altamonte Springs
- City of Belleview
- City of Daytona Beach
- City of Deltona
- City of Deltona - Water Master
- City Of Kissimmee
- City of New Smyrna Beach
- City of Ocoee
- City of Orlando
- City of Ormond
- City of Palm Coast
- City of Winter Springs
- Flagler Co Clerk of the Court
- Flagler Co.Sheriff's Office
- Flagler County B.C.C.
- Flagler County Sheriff's Ofc-DA
- Halifax Community Health System
- Indigo Winter Park LLC
- Lake Apopka Natural Gas
- Orange County BCC
- Orange County BCC - Southern
- Orange County Library Systems
- Orange County Schools
- Orange County Sheriff
- Orange County Sherriff's Office
- Osceola County Schools
- Ponce Inlet Fire & Rescue
- Seminole Community Mental Health
- Seminole County Government
- Seminole State College
- Sumter County BCC
- Sumter County Clerk of Courts
- Sumter Electric
- Toho Water Authority
- University of Central Florida
- University of Florida IFAS
- Utility Comm of New Smyrna Beach
- Volusia Co Library Support
- Volusia County Clerk of the
- Winter Park Library

--Continued

25A-Continued

Tampa

PASCO HERNANDO WORKFORCE
PC GOV ST PETERSBURG
PINELLAS COUNTY SCHOOLS
PINELLAS COUNTY SHERIFFS
PINELLAS CTY TRAFFIC POLE
PINELLAS SUNCOAST TRAN AUT
POLK CNTY G INF TECHNOLOGY
POLK CNTY PROPERTY APPRSER
POLK CO TOURISM & SPORTS
POLK COMMUNITY COLLEGE
POLK COUNTY BOCC
POLK COUNTY GOVERNMENT
POLK COUNTY SCHOOLS
POLK COUNTY SHERIFF
POLK COUNTY TRAFFIC
POLK COUNTY UTILITIES
REGIONAL MED C HEART OF FL
SCHOOL DIST MANATEE CNTY
ST PETE BEACH LIBRARY
ST PETERSBURG CITY
TAMPA BAY WATER
TAX HILLSBOROUGH CNTY
TRI COUNTY HUMAN SERVICES
HILLS CNTY LIBRARY
ZEPHYRHILLS LIBRARY

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
-------------------------	--------------------------------------------	-------------------------------------------------	-----------------------------------------

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
-----------------------	------------------------------

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
-------------	------------------------	-----------------	-------------------------------

Frank Kruppenbacher			
William Rubin			
Richard Nagl			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
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Florida Cable Television Assoc.	246 E. 6th Ave #100 Tallahassee, FL 32303	2004 - Present (Chairman - 2004)	

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

MEMORANDUM

RECEIVED
13 MAY 31 AM 10:00

DIVISION OF ELECTIONS
SECRETARY OF STATE

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 OF ANY 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

RECEIVED

CERTIFICATION

13 MAY 31 AM 10:00

STATE OF FLORIDA
COUNTY OF Orange

DIVISION OF ELECTIONS
SECRETARY OF STATE

Before me, the undersigned Notary Public of Florida, personally appeared Kevin M. Hyman, 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.

Kevin Hyman
Signature of Applicant-Affiant

Sworn to and subscribed before me this 30th day of May, 2013.

Angela Hunt
Signature of Notary Public-State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 7.4.13

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)

3033

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Scott J. Hammack

is duly appointed a member of the

**Board of Trustees,
Florida Polytechnic University**

for a term beginning on the
Sixteenth day of May, A.D., 2013,
until the Thirtieth day of June, A.D., 2015
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 Nineteenth day of August, 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 8 1/2 x 11 document

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Collier

RECEIVED
13 AUG 19 AM 9:32
DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution, and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Polytechnic University

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 14 day of Aug, 2013.

[Signature]
Signature of Officer Administering Oath or of Notary Public



Viral Patel
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced D.C.

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

4788 Oak Leaf Dr
Street or Post Office Box
Naples, FL 34119
City, State, Zip Code

Scott Hammack
Print name as you desire commission issued
[Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED
13 MAY 22 AM 10:08
DIVISION OF ELECTIONS
SECRETARY OF STATE

May 16, 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 1004.345, Florida Statutes:

Mr. Scott J. Hammack
4788 Oak Leaf Drive
Naples, Florida 34119

as a member of the Florida Polytechnic University Board of Trustees, subject to confirmation by the Senate. This appointment is effective May 16, 2013 for a term ending June 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/kb

29487

105142

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**. Answers should be "not applicable" where appropriate. Please type or print in blue or black ink.

3 AUG 19 AM 9:32
DIVISION OF ELECTIONS
SECRETARY OF STATE

8/14/2013

Date Completed

1. Name: Hammack Scott James
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 1930 Harrison St Hollywood
Street Office # City
FL 34119 239 331 0460
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 4788 Oak Leaf Dr Naples Collier
Street City County
FL 34119 239 596 1418
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
4788 Oak Leaf Dr.	Naples FL	2004	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
502 E. North Ave	Lake Bluff IL	1998	2000
297 South Fork Drive	Gurnee, IL	1992	1998
1332 Hollywood Blvd	Glenview IL	1984	1992

5. Date of Birth: 10/6/1965 Place of Birth: Glen Ellyn IL

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? 2000

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Collier

B. Current Party Affiliation: Rep

12. Education

A. High School: Glenbrook South Glenview IL
(Name and Location)

Year Graduated: 1984

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Northwestern IL</u>	<u>1988 1992</u>	<u>BS Biomedical Eng</u>

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:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Prolexic Hollywood FL</u>	<u>Information Security</u>	<u>CEO</u>	<u>2011 2013</u>
<u>EDMZ Carie NC</u>	<u>Information Security</u>	<u>CEO</u>	<u>2010 2011</u>

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:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Proven Leader

RECEIVED

OCT 8 2013

COMMITTEE ON ETHICS AND ELECTIONS

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:

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

(HAMMICK, 6)

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: 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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
10	1	Traveling abroad

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Patrick Clawson			
Stuart Scholly			
Greg Hila			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>

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

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 OF ANY 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

RECEIVED

OCT 8 2013

COMMITTEE ON ETHICS AND ELECTIONS

CERTIFICATION

STATE OF FLORIDA, COUNTY OF Collier

Before me, the undersigned Notary Public of Florida, personally appeared

Scott J. Hammack

, who, after being duly sworn, says: (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.

[Handwritten Signature]

SIGNATURE OF APPLICANT-AFFIANT

Sworn to and subscribed before me

this 4th day of October

[Handwritten Signature]

SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



LESLIE C. ACKERMAN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE835197
Expires 9/16/2016

(PRINT, TYPE OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC)

My commission expires: 9/16/2016

Personally Known OR Produced Identification

Type of Identification Produced _____

(SEAL)

3033

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Robert H. Gidel

is duly appointed a member of the
**Board of Trustees,
Florida Polytechnic University**
for a term beginning on the
Sixteenth day of May, A.D., 2013,
until the Thirtieth day of June, A.D., 2017
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-Ninth day of July, A.D., 2013.*

Ken Detzner

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE
2013 JUL -2 AM 10:15
FLORIDA STATE
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of Orange

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board of Trustees Florida Polytechnic University
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 27th day of June, 2013.

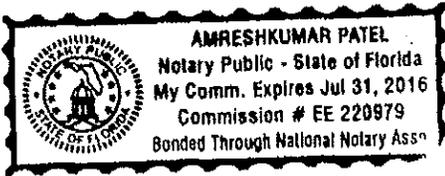
[Signature]

Signature of Officer Administering Oath or of Notary Public

Amreshkumar Patel
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced FL D.L



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

7380 Sand Lake Rd #500
Street or Post Office Box

Orlando Fla 32819
City, State, Zip Code

Robert H. Gidel
Print name as you desire commission issued

[Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED
13 MAY 22 AM 10:07
DIVISION OF ELECTIONS
SECRETARY OF STATE

May 16, 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 1004.345, Florida Statutes:

Mr. Robert H. Gidel Sr.
7380 Sand Lake Road
Suite 500
Orlando, Florida 32819

as a member of the Florida Polytechnic University Board of Trustees, subject to confirmation by the Senate. This appointment is effective May 16, 2013 for a term ending June 30, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/kb

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.

July 10, 2013
Date Completed

1. Name: Mr. Bidel Robert Hugh
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 7380 Sand Lake Rd Ste 500 Orlando
Florida 32819 407.352.5282
Street Office # City
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 9327 Doll Circle Windermere Drans
Florida 34786 407.876.7459
Street City County
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
6820 Volhaya Way	Windermere Fla	8/06	10/11
12552 Park Ave	Windermere Fla	6/04	8/06
7343 Barclay Ct	Univ Park Fla	12/09	6/04

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
5427 Edgehollow Place	Dallas TX	83	99
12303 Michaelston Rd	Cockeysville Md	91	93
5109 St. Albans Way	Balt. Md	86	91
29 Victoria Lane	Lincolnshire EN	85	86

5. Date of Birth: 9-19-51 Place of Birth: St. Dodac Iowa

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: _____

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? 1999

11. Are you a registered Florida voter? Yes No If "Yes" list:
A. County of Registration: Duval B. Current Party Affiliation: Republican

12. Education
A. High School: Clearwater HS Fla. Year Graduated: 1969
(Name and Location)

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
<u>University of Fla</u>	<u>69-73</u>	<u>BBA Finance</u>

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
<u>NO</u>			

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
<u>Whelan Capital Advisors Investments</u> <u>7380 Sand Lake Rd</u> <u>Orlando 32819</u>		<u>Managing Partner</u>	<u>Since 1997</u>

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.

WOF VA ^{BOD OF FOUNDATION} 10 YEARS
BOD OF GATOR BOOSTERS 10 YEARS
WFLO BOD 6 YEARS
AGB 4 YEARS

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:

Distinguished Director Gator Boosters
Lifetime Award WF Foundation

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:

Assn governing Boards

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

Investment Advisory Bd 09-12
BOD WFLORFLA 11-12

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: Quarterly

(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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
	<u>0</u>	

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

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: IAC

B. Term of Appointment: _____

C. Confirmation results: affirmed

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

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.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
John Wagner			
Ben Walton			
Craig MacNab			

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).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
NACD			08-
NE Foundation		BOB	02-
HEILO		BOB	09-
James Madison Institute		BOB	11-
Florida House		BOB	11-
GOVA 15015+10		BOB	04-

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
MEMORANDUM

13 JUN 26 PM 12:25

AS A GENERAL MATTER, APPLICATIONS FOR ELECTIONS 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 OF ANY 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

CERTIFICATION

RECEIVED
13 JUL 26 PM 12:25
DIVISION OF ELECTIONS
SECRETARY OF STATE

STATE OF FLORIDA
COUNTY OF Orange

Before me, the undersigned Notary Public of Florida, personally appeared

Robert Gidel

who, after being duly 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.

[Handwritten Signature]

Signature of Applicant-Affiant

Sworn to and subscribed before me this 25th day of July, 2013.

[Handwritten Signature]

Signature of Notary Public-State of Florida

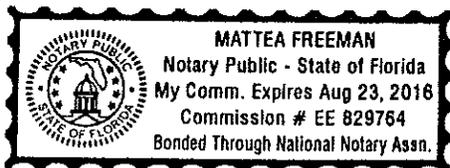
Mattea Freeman

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: Aug 23rd 2016

Personally Known OR Produced Identification

Type of Identification Produced Florida Drivers License



(seal)

3033

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Sandra Green Featherman

is duly appointed a member of the

**Board of Trustees,
Florida Polytechnic University**

for a term beginning on the
Tenth day of June, A.D., 2013,
until the Fifteenth day of July, A.D., 2015
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 Sixth day of August, A.D., 2013.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Palm Beach

2013 AUG -6 PM 9
NOTARY PUBLIC, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Trustee, Florida Polytechnic University
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Jandea Lieberman
Signature

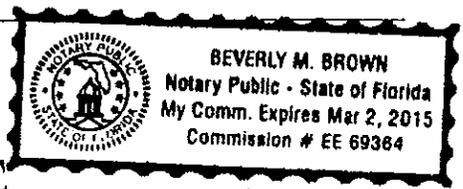
Sworn to and subscribed before me this 1st day of August, 2013

Beverly M. Brown
Signature of Officer Administering Oath or of Notary Public

Beverly M. Brown
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

32105 Ocean Blvd, #504
Street or Post Office Box
Highland Beach, FL 33487
City, State, Zip Code

Sandita Featherman
Print name as you desire commission issued
Jandea Lieberman
Signature



STATE
UNIVERSITY
SYSTEM
of FLORIDA
Board of Governors

RECEIVED
DEPARTMENT OF STATE
2013 JUL -1 AM 10:28

Office of the Chancellor
325 West Gaines Street, Suite 161
Tallahassee, FL 3239
Phone 850.245.046
Fax 850.245.968
www.flbog.ed

June 28, 2013

Dr. Sandra Featherman
3210 South Ocean Boulevard, #594
Highland Beach, Florida 33487

Dear Dr. Featherman:

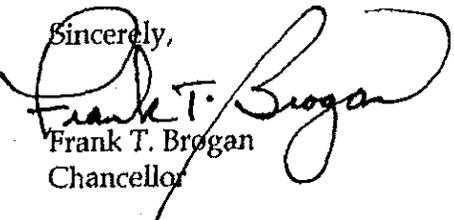
On Monday, June 10, 2013, the Florida Board of Governors approved the recommendation made by its Trustee Nominating and Development Committee to reappoint you as a member of the Florida Polytechnic University Board of Trustees. Please accept our congratulations.

The reappointment 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 Polytechnic University as you continue to serve in the capacity of a trustee. The reappointment, subject to confirmation by the Florida Senate, is for a term that began June 10, 2013 and ends on July 15, 2015.

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 continuing to work with you as a member of the Florida Polytechnic University Board of Trustees.

Sincerely,


Frank T. Brogan
Chancellor

c: Dean Colson, Chair, Board of Governors
Mori Hosseini, Chair, Trustee Nominating and Development Committee
Rob Gidel, Chair, Board of Trustees
Ava Parker, Chief Operating Officer, Florida Polytechnic University
Gina DeJulio, Board of Trustees Liaison
Monoka Venters, Corporate Secretary



STATE UNIVERSITY SYSTEM
of FLORIDA
Board of Governors

RECEIVED
DEPARTMENT OF STATE
2013 JUL -1 AM 10:28

STATE
DIVISION OF ELECTIONS

Office of the Chancellor
325 West Gaines Street, Suite 1614
Tallahassee, FL 32399
Phone 850.245.0466
Fax 850.245.9685
www.flbog.edu

June 28, 2013

MEMORANDUM

To: Ms. Inez Williams

From: Monoka Venters, Corporate Secretary *MV*

Subject: Re-appointments to the Florida Polytechnic University Board of Trustees by the Board of Governors

This memo is to advise you that the Board of Governors approved the following re-appointments to the Florida Polytechnic University Board of Trustees, on Monday, June 10, 2013. All re-appointments were made because the Senate took no action on the appointees during the 2013 Legislative Session. Paragraph (1)(e) of Section 114.05, Florida Statutes, provides that a vacancy exists in the office when the Senate fails to take action on an appointee prior to adjournment sine die; however, an appointee may be re-appointed.

To the Florida Polytechnic University Board of Trustees: Dr. Richard Hallion and Mr. Don Wilson were re-appointed for terms ending July 15, 2014. Mr. Frank T. Martin and Dr. Sandra Featherman were re-appointed for terms ending July 15, 2015. Mr. William Mitchell Brown was re-appointed for a term ending November 7, 2017. All trustees are appointed to the seat that they previously held.

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 contact me at (850) 245-9718 or monoka.venters@flbog.edu if you need additional information.

Enclosures

104983

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.

1. Name: Dr. Featherman Sandra Date Completed Green
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: 3210 S. Ocean Blvd. #304 Highland Beach Palm Beach
Street City County

Post Office Box State Zip Code Area Code/Phone Number
Florida 33487 561-330-3522

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
<u>3210 S. Ocean Blvd.</u>	<u>Highland Beach, FL</u>	<u>4/1/2009</u>	<u>- present</u>
<u>15 Elizabethan Drive,</u>	<u>Kennebunkport, ME</u>	<u>3/1996</u>	<u>- present</u>

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
<u>15 Elizabethan Drive</u>	<u>Kennebunkport, ME</u>	<u>3/1996</u>	<u>- present</u>
<u>2 Ocean Ave</u>	<u>Kennebunk, ME</u>	<u>should be 6/1995</u>	<u>- 3/1996</u>
<u>1135 Skyline Pkway</u>	<u>Duluth, Minn</u>	<u>4/1991</u>	<u>- 1995</u>
<u>210 Spruce</u>	<u>Philadelphia, Pa.</u>	<u>1964</u>	<u>- 1996</u>

several rentals before that

5. Date of Birth: 4/14/34 Place of Birth: Philadelphia, PA.

6. Social Security Number: _____

7. Driver License Number: _____ at: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain
Sandra Green, before marriage in 1958

RECEIVED
DEPARTMENT OF STATE
2013 AUG -6 AM 9:29
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? 2009 - April

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: Gratz - Philadelphia Year Graduated: 1952
(Name and Location)

B. List all postsecondary educational institutions attended:

Name & Location	Dates Attended	Certificates/Degrees Received
<u>Univ of Pennsylvania</u>	<u>1952-1955</u>	<u>BA</u>
<u>Univ of Pennsylvania</u>	<u>1972-78</u>	<u>MA</u>
<u>Univ of Pennsylvania</u>	<u>1972-78</u>	<u>PhD</u>

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
<u>None</u>			

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 university professor, asst to president, faculty senate president, & the chairman of boards. I have also been the chair of the board of the University of New England for 11 years. I have been on the board of a college, also 2 district boards.

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:

I have a PhD and have been a professor of management. I am the President Emeritus of the Univ. of New England.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

Distinguished Daughters of Pennsylvania Inc's Award
Champion of Economic Development - Maine Development Fdn
Administrator of the Year - Minnesota Women in Leadership
Woman of Distinction, International Women's Forum

D. Identify all association memberships and association offices held by you that relate to this appointment:

Chair - State of Maine Judicial Comp. Commission 1998-2006
Vice Chair - Am. Assoc. of Professors Commission on Postsecondary College Access 2006 through 2016
Pres. Maine Independent Colleges Assoc. - late 1980s
Chair - Trustee - Comm. College of Philadelphia - 18 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
Audit/Compliance Committee	20	-	Palm Beach Health District
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
3	0	(1 by phone)

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:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>

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:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>

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:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>

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
Town of Highland Beach	Husband	Mayor	

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
Helen Cunningham			
Carl Feldman			
Dr. Stephen Ham			

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
Commissioner	142 E. Ontario, Chicago, IL 60611	VC	2006-2016
South Women's Forum - FL Chapter	707 - Miami, FL 33131		
Samuel Fels Fund	1528 Walnut, #1002 - Phila, PA 19102		

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

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 OF ANY 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

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Palm Beach

RECEIVED
DEPARTMENT OF STATE
2013 AUG -6 AM 9:29
DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared Sandra Featherman, who, after being duly 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.

Sandra Featherman
Signature of Applicant-Affiant

Sworn to and subscribed before me this 1st day of August, 2013

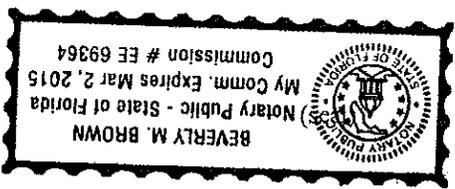
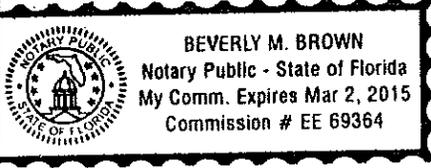
Beverly M. Brown
Signature of Notary Public - State of Florida

Beverly M. Brown
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____



CourtSmart Tag Report

Room: KN 412
Caption: Senate Education

Case:
Judge:

Type:

Started: 3/18/2014 8:04:42 AM
Ends: 3/18/2014 9:28:35 AM Length: 01:23:54

8:04:42 AM Chairman Legg calls Senate Committee on Education to order
8:04:55 AM Administrative Assistant Michelle Perez calls the roll-announces quorum
8:05:03 AM Comments from Chairman regarding business before committee
8:05:15 AM CS/SB 1036 by Senator Grimsley
8:05:30 AM Senator Grimsley explains the bill
8:07:42 AM Amendment 576978 by Senator Stargel explained
8:07:53 AM Amendment adopted
8:08:15 AM Public Testimony
8:08:17 AM Martha Decastro - Vice-President for Nursing, Florida Hospital Association, waives in support
8:08:19 AM Sandra Mortham, Rasmussen College - waives in support
8:08:19 AM Matthew Holliday, Edison State College, waives in support
8:08:19 AM David Gregory, Director of Institutional Relations, Pensacola Christian College, waives in support
8:08:33 AM Chairman Legg calls for debate on bill - no debate
8:08:38 AM Senator Grimsley waives close
8:08:45 AM Senator Stargel moves for Committee Substitute
8:08:48 AM Administrative Assistant calls the roll
8:09:02 AM CS/CS/SB 1036 reported favorably
8:09:11 AM SB 514
8:09:22 AM Senator Flores explains the bill
8:09:54 AM Senator Montford with question
8:10:00 AM Senator Flores responds
8:10:25 AM Chairman Legg states no public testimony
8:10:38 AM No questions from committee
8:10:40 AM Senator Flores waives close on SB 514
8:10:55 AM Administrative Assistant calls the roll on SB 514 - reported favorably
8:11:03 AM SB 1400 by Latvala
8:11:19 AM Motion by Senator Montford to take up PCS 142484 for SB 1400 -motion adopted
8:11:40 AM Senator Latvala explains PCS 1400
8:15:08 AM Chairman Legg calls for questions
8:15:17 AM Senator Brandes with question
8:15:28 AM Senator Latvala responds
8:16:21 AM Senator Legg calls for public testimony
8:16:42 AM Zachary Schultz - Students for a Democratic Society, waives in support
8:16:49 AM Diego Ramirez with comments in support
8:18:47 AM Matt Brockelman, University of North Florida, waives in support
8:18:55 AM Brewster Bevis, Senior Vice President, Associated Industries of Florida, waives in support
8:19:02 AM Francesca Menes, Policy and Advocacy Coordinator, Florida Immigrant Coalition, waives in support
8:19:12 AM Saul Alemun, Homestead's E.R.A with comments
8:20:37 AM Carlos Segal, Immigrant Youth, waives in support
8:20:49 AM Brianna Calderon-Roman, Students for a Democratic Society, FSU, with comments
8:22:01 AM Margarita Romo, Immigrant Youth, waives in support
8:22:21 AM Camilo Roza, Immigrant Students, with comments in support
8:24:39 AM Ingrid Delgado, Associate for Social Concerns, Florida Conference of Catholic Bishops, waives in support
8:24:47 AM Nancy Palacios, Campaign for Citizenship Manager, Pico United Florida, with comments in support
8:26:41 AM Patricia Z. Reams, Advocates PTA, waives in support
8:27:01 AM Chairman asks if there is further testimony
8:27:07 AM No amendmments
8:27:12 AM Chairman calls for debate on the bill
8:27:16 AM Senator Bullard with debate
8:27:48 AM Senator Brandes in debate
8:28:47 AM Senator Stargel in debate
8:29:57 AM Senator Montford in debate

8:31:56 AM Senator Simmons in debate
 8:32:46 AM Senator Latvala closes on PCS
 8:35:46 AM Motion by Senator Montford for Committee Substitute - adopted
 8:35:58 AM Administrative Assistant calls roll for Committee Substitute
 8:36:12 AM Bill reported favorably
 8:36:27 AM SB 1382 by Hays
 8:36:43 AM Senator Simmons moves to be reported as voting favorable on SB 514 and SB 1036 -adopted without objection
 8:37:12 AM Senator Galvano moves to be reported voting favorably on SB 1036 and SB 514 - adopted without objection
 8:37:37 AM Senator Hayes explains the bill
 8:39:00 AM Chairman calls for questions
 8:39:05 AM Senator Brandes with question
 8:39:11 AM Senator Hayes responds
 8:39:24 AM Public testimony by Ryan Padgett
 8:40:29 AM Chairman calls for debate
 8:40:32 AM Senator Montford in debate
 8:41:49 AM Senator Benacquisto with question
 8:42:04 AM Senator Brandes with comments
 8:42:28 AM Senator Hayes with response
 8:43:17 AM Senator Hayes closes on bill
 8:43:20 AM Administrative Assistant calls the roll
 8:43:23 AM SB1382 reported favorably
 8:43:44 AM Chairman asks to consider confirmations at this time
 8:44:10 AM Chairman calls to Temporarily Postpone Confirmations of Board of Trustees - FAMU - without objection
 8:44:23 AM Chairman calls for confirmations for State Board of Education, Board of Trustees-Florida Gulf Coast University, and Florida Polytechnic University, be considered in block
 8:44:58 AM Administrative Assistant calls roll on favorable consideration of confirmations in block
 8:45:16 AM Confirmations recommended favorably
 8:45:20 AM SB 1512 by Stargel
 8:45:28 AM Senator Stargel explains bill
 8:45:59 AM Strike-all explained - brief explanation, by Senator Stargel
 8:46:06 AM Chairman asks to take up strike-all - Chairman calls for questions
 8:46:21 AM Senator Bullard with questions
 8:46:35 AM Chairman calls for clarification
 8:46:41 AM Senator Bullard with clarification
 8:46:52 AM Senator Stargel with response
 8:47:44 AM Chairman Legg moves to take up the strike-all amendment 171226
 8:47:48 AM Strike-all adopted without objection
 8:47:54 AM Back on SB 1512 as amended
 8:47:58 AM Senator Bullard with question
 8:48:17 AM Senator Stargel with response
 8:48:59 AM Senator Montford with question
 8:49:39 AM Senator Stargel with response
 8:51:47 AM Senator Montford with follow-up
 8:51:56 AM Senator Stargel with response
 8:52:07 AM Senator Montford with question
 8:52:17 AM Senator Stargel with response
 8:53:21 AM Senator Montford with follow-up
 8:54:25 AM Senator Stargel in response
 8:55:12 AM Chairman calls for further questions
 8:55:19 AM Chairman proceeds with public testimony
 8:55:24 AM Elias Seife with comments in support
 8:57:47 AM Joy L. Jackson - Teacher, with comments in opposition
 9:00:33 AM Dr. Jinnie L. Bryant - Teacher, waives in opposition
 9:01:34 AM Adam Gierg, Director of Policy, FL. Chamber of Commerce, waives in support
 9:01:47 AM Laura Fellman, Florida PTA, waives in support
 9:02:07 AM Rebecca Forbes-Levy, Banker, with comments
 9:03:42 AM Theodore McRae, Teacher, with comments in opposition
 9:05:15 AM JoAnn Brookins, Pastor, waives in opposition
 9:05:26 AM Ashli McCall, Educator, (SAH Mom), with comments in support of bill
 9:10:39 AM Lynda Russell, Florida Education Association, with comments in opposition

9:11:10 AM Vanessa Winter, Citizen, waives in opposition
9:12:13 AM Leah Carins, Florida PTA, with comments in opposition
9:13:14 AM Juliann Gaus-Graeser, PTA, with comments in opposition
9:13:54 AM Chris Ott, Elementary School Teacher, with comments in opposition
9:18:09 AM Senator Galvano with motion to limit debate pursuant to Rule 2.50 of Senate Rules
9:19:11 AM Motion adopted without objection
9:19:15 AM Chairman calls for vote certain on SB 1512 at 9:29a.m.
9:19:30 AM Carol Horton, Educator, with comments in opposition
9:19:37 AM Chairman advises that debate will begin at 9:25a.m.
9:20:00 AM Senator Sachs with question regarding items remaining on agenda
9:20:10 AM Chairman responds that all bills remaining will be rolled to next week
9:20:20 AM Carol Horton, Educator, recognized to speak
9:21:02 AM Karen Zaremba, Teacher, waives in opposition
9:21:08 AM Sandy Baker Hoover, Retired School Counselor, with comments in opposition
9:22:33 AM Chairman interjects based on previous motion to limit comments
9:23:33 AM Wendy Dodge, Director of Government Affairs, Polk County Schools, with information
9:24:11 AM Joanna Hassell, Policy Analyst, Foundation for Florida's Future, waives in support
9:24:19 AM Mindy Wenst, Teacher, waives in opposition
9:24:29 AM Senator Bullard in debate
9:25:16 AM Senator Montford in debate
9:26:16 AM Chairman Legg with comments
9:26:45 AM Senator Stargel closes on bill
9:27:06 AM Senator Galvano moves for a Committee Substitute
9:27:52 AM Administrative Assistant calls the roll on SB 1512
9:27:58 AM SB 1512 reported favorably as a committee substitute
9:28:07 AM Chairman Legg with comments
9:28:22 AM Senator Brandes moves to rise