

<b>Tab 1</b>	<b>SB 78 by Flores (CO-INTRODUCERS) Brandes, Rodriguez, Stewart, Steube, Farmer, Bracy, Garcia, Mayfield, Latvala, Book, Grimsley, Passidomo, Benacquisto, Torres;</b> (Identical to H 0067) Public School Recess					
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<b>Tab 2</b>	<b>SB 148 by Garcia;</b> (Identical to H 0085) Students Remaining on School Grounds During School Hours					
907758	A	S	L	RCS	ED, Mayfield	Delete L.13. 02/21 11:58 AM

<b>Tab 3</b>	<b>SB 376 by Simmons;</b> Charter School Funding					
<del>723030</del>	A	S		WD	ED, Farmer	Delete L.29: 02/21 11:36 AM
<del>318176</del>	A	S		WD	ED, Farmer	Delete L.32 - 33: 02/21 11:36 AM
<del>503284</del>	A	S		WD	ED, Farmer	Delete L.101: 02/21 11:36 AM
<del>113894</del>	AA	S	L	WD	ED, Farmer	Delete L.6: 02/21 11:36 AM
<del>909634</del>	A	S		WD	ED, Farmer	Delete L.206 - 219: 02/21 11:36 AM
<del>189082</del>	A	S		WD	ED, Farmer	Delete L.252 - 258: 02/21 11:36 AM

<b>Tab 4</b>	<b>SB 396 by Hukill (CO-INTRODUCERS) Bean;</b> (Identical to H 0867) Student Loan Debt					
526242	A	S		RCS	ED, Hukill	Delete L.16 - 30: 02/21 11:36 AM

<b>Tab 5</b>	<b>SB 438 by Baxley;</b> Out-of-school Suspension					
<del>125328</del>	A	S	L	WD	ED, Stewart	Delete L.41 - 56: 02/21 11:36 AM

<b>Tab 6</b>	<b>SB 604 by Simmons;</b> Education Funding					
902056	A	S		FAV	ED, Farmer	Delete L.15: 02/21 11:36 AM

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

**EDUCATION**  
**Senator Hukill, Chair**  
**Senator Mayfield, Vice Chair**

**MEETING DATE:** Tuesday, February 21, 2017

**TIME:** 9:00—11:30 a.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Hukill, Chair; Senator Mayfield, Vice Chair; Senators Farmer, Galvano, Lee, Simmons, Simpson, Stewart, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 78</b> Flores (Identical H 67)	Public School Recess; Requiring each district school board to provide students in certain grades with a minimum number of minutes of free-play recess per week and with a minimum number of consecutive minutes of free-play recess per day, etc.  ED 02/21/2017 Favorable AED AP	Favorable Yeas 7 Nays 0
2	<b>SB 148</b> Garcia (Identical H 85)	Students Remaining on School Grounds During School Hours; Citing this act as the "Mayra Capote Act"; requiring schools in certain districts to obtain written parental consent before permitting students to leave school grounds during the lunch period, etc.  ED 02/21/2017 Fav/CS CA RC	Fav/CS Yeas 7 Nays 0
3	<b>SB 376</b> Simmons	Charter School Funding; Authorizing school boards to levy specified amounts for charter schools; providing that charter school capital outlay funding consists of shared local capital outlay and state funding as provided in the General Appropriations Act; prohibiting a charter school from being eligible for a funding allocation under certain circumstances, etc.  ED 02/21/2017 Favorable AED AP	Favorable Yeas 6 Nays 2
4	<b>SB 396</b> Hukill (Identical H 867)	Student Loan Debt; Defining the term "student loans"; requiring postsecondary institutions to annually provide certain students with specified information regarding their student loans; providing that an institution does not incur any liability for providing such information, etc.  ED 02/21/2017 Fav/CS RC	Fav/CS Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, February 21, 2017, 9:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 438</b> Baxley	Out-of-school Suspension; Authorizing a parent to give public testimony regarding a district school board's out-of-school suspension policy at a specified meeting; requiring a district school board to review its rules authorizing out-of-school suspension during a specified timeframe at a district school board meeting; requiring the board to take public testimony at the meeting; providing that the rules expire under certain circumstances, etc.  ED 02/21/2017 Favorable RC	Favorable Yeas 7 Nays 0
6	<b>SB 604</b> Simmons	Education Funding; Revising the amount each school board may levy for certain purposes; revising the purposes for which a school district may levy additional millage by specified means to include fixed capital outlay, etc.  ED 02/21/2017 Temporarily Postponed AED AP	Temporarily Postponed
7	Presentation on "The Future of Education" by Apple		Discussed
Other Related Meeting Documents			

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 78

INTRODUCER: Senator Flores and others

SUBJECT: Public School Recess

DATE: February 20, 2017

REVISED: 2/21/17

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

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**I. Summary:**

SB 78 adds an unstructured free-play recess requirement to district school boards' responsibilities regarding physical education. Specifically, the bill requires each district school board to provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5. Such recess must involve at least 20 consecutive minutes of free-play per day.

The bill takes effect July 1, 2017.

**II. Present Situation:**

Florida law requires each district school board to develop a physical education program and encourage all students in prekindergarten through grade 12 to participate in physical education.<sup>1</sup>

**Minimum Instructional Hour Requirements**

A district school board must provide for the operation of public schools for a term of 180 days or the equivalent on an hourly basis as specified by rules of the State Board of Education.<sup>2</sup>

For purposes of the Florida Educational Finance Program (FEFP), a "full-time student" is a student on the membership roll of one school program or a combination of school programs for the school year or the equivalent for not less than 720 net hours of instruction for a student in kindergarten through grade 3 or not less than 900 net hours of instruction for a student in grades 4 through 12.<sup>3</sup> As a result, a district school board must provide, on average, 4 hours of instructional time per day for students in kindergarten through grade 3 and 5 hours of instruction

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<sup>1</sup> Section 1003.455(1), F.S.

<sup>2</sup> Sections 1003.02(1)(g)1. and 1001.42(4), F.S.; Rule 6A-1.045111, F.A.C.

<sup>3</sup> Section 1011.61(1)(a)1., F.S.

per day for students in grades 4 through 12 to achieve the required minimum instructional hours during a 180-day school year.<sup>4</sup>

### **Time-Based Physical Education Requirements**

Each district school board must provide 150 minutes of physical education each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a school that contains one or more elementary grades so that on any day during which physical education instruction is conducted there are at least 30 consecutive minutes per day.<sup>5</sup>

Physical education must consist of physical activities of at least a moderate intensity level and for sufficient duration,<sup>6</sup> subject to the differing capabilities of students.<sup>7</sup> All physical education programs and curricula must be reviewed by a certified physical education instructor.<sup>8</sup> The Next Generation Sunshine State Standards (NGSSS) provide distinct grade level expectations for the knowledge and skills which a student is expected to acquire at each grade.<sup>9</sup>

Student enrollment in physical education instruction must be reported and audited pursuant to state law.<sup>10</sup>

The requirements for physical education in public elementary schools must be waived for a student who meets one of the following criteria:<sup>11</sup>

- The student is enrolled or is required to enroll in a remedial course;
- The student's parent indicates, in writing, to the school that:
  - The student is enrolled in another course from among those courses offered as options by the school district; or
  - The student is participating in physical activities outside the school day which are equal to or in excess of the mandated requirement.

While Florida law provides requirements related to physical education, provisions specific to unstructured free-play are not addressed in such requirements. However, some school districts have chosen independently to adopt policies requiring school recess. During the 2015-2016 school year, 11 of Florida's 67 school districts had a school board-approved recess policy for students in kindergarten through grade 5.<sup>12</sup> Of these 11 school districts:

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<sup>4</sup> Sections 1003.02(1)(g)1. and 1001.42(4), F.S.; Rule 6A-1.045111, F.A.C.

<sup>5</sup> Section 1003.455(3), F.S. The equivalent of one class period per day of physical education for one semester of each year is required for students in grades 6 through 8. *Id.*

<sup>6</sup> Physical education instruction must be for a period of time sufficient to provide a significant health benefit to students. Section 1003.455(1), F.S.

<sup>7</sup> Section 1003.455(1), F.S.

<sup>8</sup> Section 1003.455(3), F.S.

<sup>9</sup> Section 1003.41(1) and (2), F.S. Physical education standards are available at CPALMS. CPALMS is the State of Florida's official source for information on standards and course descriptions. CPALMS, *Homepage*, <http://www.cpalms.org/Public/> (last visited Feb. 20, 2017).

<sup>10</sup> Section 1003.455(3), F.S.

<sup>11</sup> Section 1003.455(4), F.S.

<sup>12</sup> The following school districts had a school board-approved recess policy during the 2015-2016 school year: Charlotte, Escambia, Gadsden, Lee, Levy, Miami-Dade, Nassau, Orange, Putnam, Union and Wakulla County school districts. Office of Program Policy Analysis and Government Accountability, *OPPAGA Review of Recess Policies and Practices*, presentation to

- Seven school districts required recess five days a week.<sup>13</sup>
- Two of the 11 school district policies varied in the days per week recess is required.<sup>14</sup>
- Two of the 11 school districts did not specify the number of days for requiring recess.<sup>15</sup>
- Two districts required a minimum of 100 minutes per week of recess.<sup>16</sup>

The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) surveyed 2,903 schools, including elementary, middle, and combination schools<sup>17</sup> about their recess practices.<sup>18</sup> Out of the 1,737 elementary schools surveyed, 738 (42%) schools responded.<sup>19</sup> Based on the elementary schools that responded, 612 (83%) schools offered recess during the 2015-2016 school year.<sup>20</sup>

The American Academy of Pediatrics found that well-supervised recess is necessary to optimize a child's social, emotional, physical, and cognitive development.<sup>21</sup> The Center for Disease Control and Prevention and The Society of Health and Physical Educators (SHAPE) America recommend all elementary school children be provided with a minimum of one daily recess period of at least 20 minutes in length in addition to physical education and classroom activity.<sup>22</sup>

### III. Effect of Proposed Changes:

SB 78 adds an unstructured free-play recess requirement to district school boards' responsibilities regarding physical education. Specifically, the bill requires each district school board to provide at least 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5. Such recess must involve at least 20 consecutive minutes of free-play per day.<sup>23</sup>

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the Senate Appropriations Subcommittee on Pre-K - 12 Education (Feb. 15, 2017) *available at* [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket\\_3645\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3645_2.pdf), at 5.

<sup>13</sup> Recess policies for Charlotte, Escambia, Gadsden, Lee, Levy, Putnam, and Union county school districts specify that recess must be offered 5 days a week. *Id.* at 8.

<sup>14</sup> The school board-approved recess policies of Miami-Dade and Orange County school district varied in the number of days' recess is required at the time OPPAGA surveyed the school districts. *Id.*

<sup>15</sup> Nassau and Wakulla county district school board-approved recess policies did not specify the number of days per week recess must be offered to students. *Id.*

<sup>16</sup> Wakulla and Gadsden county district school board-approved recess policies require a minimum of 100 minutes per week of recess. Email, Office of Program Policy Analysis and Government Accountability (Feb. 20, 2017); *see also* Office of Program Policy Analysis and Government Accountability, *OPPAGA Review of Recess Policies and Practices*, presentation to the Senate Appropriations Subcommittee on Pre-K - 12 Education (Feb. 15, 2017) *available at* [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket\\_3645\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3645_2.pdf), at 5.

<sup>17</sup> A combination school combines both elementary and middle grades in their grade configuration. Email, Office of Program Policy Analysis and Government Accountability (Feb. 17, 2017).

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

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

<sup>20</sup> Office of Program Policy Analysis and Government Accountability, *OPPAGA Review of Recess Policies and Practices*, presentation to the Senate Appropriations Subcommittee on Pre-K - 12 Education (Feb. 15, 2017) *available at* [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket\\_3645\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3645_2.pdf), at 12.

<sup>21</sup> American Academy of Pediatrics, *The Crucial Role of Recess in School* (2013) *available at* <http://pediatrics.aappublications.org/content/pediatrics/131/1/183.full.pdf>, at 183 and 186.

<sup>22</sup> Centers for Disease Control and Prevention and SHAPE America, *Strategies for Recess in Schools* (2017), *available at* <http://portal.shapeamerica.org/uploads/pdfs/recess/SchoolRecessStrategies.pdf>.

<sup>23</sup> Florida Department of Education, 2017 Agency Legislative Bill Analysis for SB 78 (Dec. 8, 2016), at 2.

According to the Florida Department of Education, the master schedules at each school containing elementary grades would need to reflect the requirement for a minimum of 20 consecutive minutes of recess daily.<sup>24</sup>

The bill is may result in additional physical activity for students in kindergarten through grade 5.

This bill takes effect July 1, 2017.

#### **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:

Recess is not instructional time and is not funded through the Florida Educational Finance Program.<sup>25</sup> A school that does not currently provide recess within its existing schedule may need to increase its hours of operation to continue to provide the minimum number of instructional hours required by law.<sup>26</sup> The fiscal impact of this is indeterminate.<sup>27</sup>

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<sup>24</sup> Florida Department of Education, 2017 Agency Legislative Bill Analysis for SB 78 (Dec. 8, 2016), at 2.

<sup>25</sup> Department of Education, *Physical Education and Recess for Elementary Schools*, presentation to the Senate Appropriations Subcommittee on Pre-K - 12 Education (Feb. 15, 2017) available at [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket\\_3645\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3645_2.pdf), at 8.

<sup>26</sup> Florida Department of Education, 2017 Agency Legislative Bill Analysis for SB 78 (Dec. 8, 2016), at 3. *See also* s. 1003.02(1)(g)1. and 1001.42(4), F.S.; Rule 6A-1.045111, F.A.C.

<sup>27</sup> Florida Department of Education, 2017 Agency Legislative Bill Analysis for SB 78 (Dec. 8 2016), at 3.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section 1003.455 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.



By Senator Flores

39-00067A-17

201778\_\_

A bill to be entitled

An act relating to public school recess; amending s.  
1003.455, F.S.; requiring each district school board  
to provide students in certain grades with a minimum  
number of minutes of free-play recess per week and  
with a minimum number of consecutive minutes of free-  
play recess per day; providing an effective date.

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

Section 1. Subsection (6) is added to section 1003.455,  
Florida Statutes, to read:

1003.455 Physical education; assessment.—

(6) In addition to the requirements in subsection (3), each  
district school board shall provide at least 100 minutes of  
supervised, safe, and unstructured free-play recess each week  
for students in kindergarten through grade 5 so that there are  
at least 20 consecutive minutes of free-play recess per day.

Section 2. This act shall take effect July 1, 2017.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/21/17

Meeting Date

78

Bill Number (if applicable)

Topic Recess

Amendment Barcode (if applicable)

Name Angie Gail

Job Title Legislation Chair

Address 1747 Central Florida Pkwy

Street

Orlando

City

FL

State

Zip

Phone 407-718-9925

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida DTA

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

2/20/17 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)  
Meeting Date

78  
Bill Number (if applicable)

Topic RECESS

Amendment Barcode (if applicable)

Name Mark Landreth

Job Title Sr. Dir. Gov't Relations

Address 2851 REMINGTON GREEN

Phone \_\_\_\_\_

Street

1 ALLAHASSER, FL

City

32308

State

Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

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

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.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

2/21/17

Meeting Date

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

SB 78

Bill Number (if applicable)

Topic Recess Bill SB 78

Amendment Barcode (if applicable)

Name Barbara Hedge

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

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Street

Phone 727-735-4056

St. Pete FL

City

State

33703

Zip

Email hedgehog99@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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

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

2/21/17  
Meeting Date

78  
Bill Number (if applicable)

Topic Recess

Amendment Barcode (if applicable)

Name Fely CURVA, Ph.D.

Job Title Senior Partner, Curva & Assoc LLC

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Tallahassee FL 32312  
City State Zip

Email fely.curva@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SHAPE Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

02/21/2017

Meeting Date

SB 78

Bill Number (if applicable)

Topic Recess for Public Students

Amendment Barcode (if applicable)

Name Kate Asturias

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

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Phone 305 608 5488

Key Biscayne

City

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State

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing Recess for Miami Students

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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

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

Feb 21 2017

Meeting Date

SB 78

Bill Number (if applicable)

Topic Public School Recess

Amendment Barcode (if applicable)

Name Marie-Claire Leman

Job Title ~

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Phone 850 728 7514

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City State Zip

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Speaking: ☒ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2-21-2017

Meeting Date

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

78

Bill Number (if applicable)

Topic Recess

Amendment Barcode (if applicable)

Name Martina Brawer

Job Title Exec. Director

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Street

Tallahassee FL 32301

City

State

Zip

Phone 850-878-1032

Email mbrawer@floridaschoolnutrition.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Fl. School Nutrition Assoc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)



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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 148

INTRODUCER: Education Committee and Senator Garcia

SUBJECT: Students Remaining on School Grounds During School Hours

DATE: February 21, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Graf	ED	<b>Fav/CS</b>
2.			CA	
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 148 authorizes district school boards to adopt policies for allowing students to leave school grounds during school hours, with some exceptions. Specifically, the bill:

- Clarifies that district school board procedures for granting permission for students to leave school grounds during school hours includes the school lunch period; and
- Provides that in a district that has more than 100,000 students in prekindergarten through grade 12, a school may not permit a student to leave school grounds for the lunch period unless the student's parent has, in writing, consented for his or her child to leave school grounds during the lunch period for the school year.

The bill takes effect July 1, 2017.

**II. Present Situation:**

**District School Boards Powers and Duties**

District school boards are authorized to operate, control, and supervise all free public schools with the school district.<sup>1</sup> More specifically, "[t]he responsibility for actual operation and

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<sup>1</sup> Art. IX, s. 4(b), Fla. Const. *See also, School Board of Palm Beach County v. Florida Charter Education Foundation*, 2017 Fla. App. Lexis 494, (4<sup>th</sup> DCA, January 18, 2017). ("The Florida Constitution therefore creates a hierarchy under which a school board has local control, but the State Board [of Education] supervises the system as a whole. This broader supervisory

administration of all schools needed within the districts in conformity with rules and minimum standards prescribed by the state, and also the responsibility for the provision of any desirable and practicable opportunities authorized by law beyond those required by the state, are delegated by law to the school officials of the respective districts.”<sup>2</sup>

District school boards are also responsible for student welfare, including the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of the students.<sup>3</sup>

### **Open and Closed Campuses**

District school boards have the discretion to determine whether school campuses are to be open or closed.<sup>4</sup> Specifically, Florida law states that district school boards may “[p]rovide procedures for student dismissal precautions and for granting permission for students to leave school grounds during school hours, including releasing a student from school upon request by a parent or for public appearances of school groups.”<sup>5</sup>

The most recent data for Florida shows that 43 school districts reported a closed-campus policy as district policy, and 13 districts reported a closed-campus policy as a school option.<sup>6</sup> Nationally, 72% of high schools maintain a closed campus.<sup>7</sup>

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

CS/SB 148 authorizes district school boards to adopt policies for allowing students to leave school grounds during school hours, with some exceptions. Specifically, the bill:

- Clarifies that district school board procedures for granting permission for students to leave school grounds during school hours includes the school lunch period; and
- Provides that in a district that has more than 100,000 students in prekindergarten through grade 12, a school may not permit a student to leave school grounds for the lunch period

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authority may at times infringe on a school board’s local powers, but such infringement is expressly contemplated – and in fact encouraged by the very nature of supervision – by the Florida Constitution.”).

<sup>2</sup> Section 1001.30, F.S. *See also*, s. 1001.32(2), F.S., which provides that district school boards “may exercise any power except as expressly prohibited by the State Constitution or general law.”

<sup>3</sup> Section 1001.42(8)(a), F.S.

<sup>4</sup> Department of Education, *Agency Legislative Bill Analysis for SB 148* (2017), at 2; Section 1001.43(1)(c), F.S. School lunch policies are generally labelled “open campus” (e.g., students may go off campus) or “closed campus” (e.g., students are not allowed to leave campus). Public Health Advocacy Institute, *Off the Map: Extracurricular School Food, Open Campus Lunch*, (2009) available at [http://www.phaionline.org/wp-content/uploads/2009/04/otm\\_open\\_campus\\_lunch.pdf](http://www.phaionline.org/wp-content/uploads/2009/04/otm_open_campus_lunch.pdf). A school with a “modified” policy that only allows certain students who meet specified requirements to go off campus is considered to have an open campus policy. *Id.* The terms “open campus” and “closed campus” are not defined in Florida statute or rule; although, the term “closed-campus” has been used by the Department of Education in the context of violence prevention. *See*, page 4, Department of Education, *Florida Safe and Drug-Free Schools Program, State Report for 2009-2010* (2009) available at <http://www.fldoe.org/core/fileparse.php/7771/urlt/0084819-staterrep0910.pdf>.

<sup>5</sup> Section 1001.43(1)(c), F.S.

<sup>6</sup> Department of Education, *Florida Safe and Drug-Free Schools Program, State Report for 2009-2010* (2009) available at <http://www.fldoe.org/core/fileparse.php/7771/urlt/0084819-staterrep0910.pdf>, at 9.

<sup>7</sup> Center for Disease Control and Prevention, *School Health Policies and Practices Study, Results from the School Health Policies and Practices Study 2014* (2015), available at [https://www.cdc.gov/healthyyouth/data/shpps/pdf/shpps-508-final\\_101315.pdf](https://www.cdc.gov/healthyyouth/data/shpps/pdf/shpps-508-final_101315.pdf).

unless the student's parent has, in writing, consented for his or her child to leave school grounds during the lunch period for the school year.

For the 2016-2017 school year, 8 school districts have over 100,000 students in prekindergarten through grade 12. The table below shows the student population and open versus closed campus policy for such school districts:<sup>8</sup>

District	Student Population	District Policy
Miami-Dade	357,249	Closed
Broward	271,852	Closed
Hillsborough	214,386	Closed
Orange	200,674	Closed
Palm Beach	192,271	No formal policy
Duval	129,479	Modified Open
Pinellas	102,905	Closed
Polk	102,295	Closed

The bill takes effect July 1, 2017.

#### 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.

<sup>8</sup> Department of Education, *Florida's PK-20 Education Information Portal, Students, Enrollment, Build Your Own Table*, <https://edstats.fldoe.org/SASPortal/main.do> (last visited Jan. 25, 2017). The closest school districts under 100,000 students are Lee (92,686), Brevard (73,444), and Pasco (72,493). *Id.* E-mail, Department of Education (Jan. 27, 2017). Duval authorizes principals to determine whether lunches are open or closed; however, only 6 high schools allow students to leave during lunch and they all require parental permission and for the students to meet specified criteria (e.g., honor roll and no referrals). Department of Education, *Agency Legislative Analysis for SB 148* (2017), at 2.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1001.43 of the Florida Statutes.

**IX. Additional Information:**

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

**CS by Education on February 21, 2017:**

The committee substitute removes the short title of the act.

- B. Amendments:

None.



907758

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2017	.	
	.	
	.	
	.	

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The Committee on Education (Mayfield) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 13.

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

And the title is amended as follows:

Delete line 3

and insert:

grounds during school hours;

By Senator Garcia

36-00272A-17

2017148\_\_

A bill to be entitled

An act relating to students remaining on school grounds during school hours; providing a short title; amending s. 1001.43, F.S.; providing that a district school board may adopt policies for releasing students for the school lunch period; requiring schools in certain districts to obtain written parental consent before permitting students to leave school grounds during the lunch period; providing an effective date.

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

Section 1. This act may be cited as the "Mayra Capote Act."

Section 2. Paragraph (c) of subsection (1) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(1) STUDENT MANAGEMENT.—The district school board may adopt programs and policies to ensure the safety and welfare of individuals, the student body, and school personnel, which programs and policies may:

(c) Provide procedures for student dismissal precautions and for granting permission for students to leave school grounds during school hours, including releasing a student from school upon request by a parent, ~~or~~ for public appearances of school groups, or for the school lunch period. However, in a district that has more than 100,000 students in prekindergarten through grade 12, a school may not permit a student to leave school grounds for the lunch period unless the student's parent has, in writing, consented for his or her child to leave school grounds

Page 1 of 2

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

36-00272A-17

2017148\_\_

during the lunch period for the school year.

Section 3. This act shall take effect July 1, 2017.

Page 2 of 2

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/21/2017

Meeting Date

SB 148

Bill Number (if applicable)

Topic Students Remaining on School Grounds

Amendment Barcode (if applicable)

Name Nancy Lawther

Job Title

Address 9140 SW 59 Ave.

Street

Phone 305 607 3837

Miami, FL 33156

City

State

Zip

Email firstvp@mdocpta.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

02/21/2017

Meeting Date

SB 148

Bill Number (if applicable)

Topic Students on School Grounds

Amendment Barcode (if applicable)

Name Kate Asturias

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

Address 650 Ocean Drive

Street

Phone \_\_\_\_\_

Key Biscayne FL

City

State

33149

Zip

Email kgasturias@yahoo.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)



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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 376

INTRODUCER: Senator Simmons

SUBJECT: Charter School Funding

DATE: February 20, 2017

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

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

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**I. Summary:**

SB 376 substantively restructures charter school capital outlay funding model to dedicate a source of funding by repurposing the discretionary millage revenue for charter schools to apply to charter school capital outlay expenditures. Additionally, the bill:

- Requires school districts to distribute shared local capital outlay funds on a monthly basis, and if the local capital outlay funds are not available, the school district must provide the funds from another funding source.
- Prohibits charter schools from receiving capital outlay funds unless the charter school can demonstrate that the funds will not be used for personal financial enrichment.
- Adds additional criteria for charter schools to demonstrate that seventy-five percent or higher percent of their student population is eligible for free or reduced price school lunch.
- Limits the ability of a charter school governing board to only use charter school capital outlay funds at the charter school that generated the funding.

The bill takes effect July 1, 2017.

**II. Present Situation:**

**Charter School Capital Outlay**

Funding for charter school capital outlay is primarily authorized via appropriated state funds.<sup>1</sup> Key concepts are eligibility for funding, a funding allocation methodology, and allowable funding uses.<sup>2</sup>

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<sup>1</sup> Section 1013.62, F.S.

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

### ***Eligibility***

To be eligible for charter school capital outlay funding, a charter school must:<sup>3</sup>

- Have been in operation for 2 or more years,<sup>4</sup> be governed by a governing board established in the state for 3 or more years which operates both charter schools and conversion charter schools within the state, be an expanded feeder chain<sup>5</sup> of a charter school within the same school district that is currently receiving charter school capital outlay funds, have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools, or serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b), F.S.
- Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1), F.S., for the most recent fiscal year for which such audits are available.
- Have satisfactory student achievement<sup>6</sup> based on state accountability standards applicable to the charter school.
- Have received final approval from its sponsor pursuant to s. 1002.33, F.S., for operation during that fiscal year.
- Serve students in facilities that are not provided by the charter school's sponsor.

A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee, or at no charge, or if it directly or indirectly operated by the school district.<sup>7</sup>

### ***Allocation***

Prior to the 2016 Legislative session, the allocation methodology required the use of a priority-based funding system comprised of the following:<sup>8</sup>

- First priority is given to those charter schools that received capital outlay funding in the 2005-2006 fiscal year. These schools receive the same per-student amount received in the 2005-2006 fiscal year for the lesser number of students enrolled in the current year or the number of students enrolled in the 2005-2006 school year.
- Second, after calculating first priority funding, remaining funds are allocated with the same per-student amount to those schools not included in the first priority allocation and to those schools in the first priority allocation with growth in excess of 2005-2006 fiscal year student enrollments.
- Third, any excess funds remaining after the first and second priority calculations are allocated among all eligible charter schools.

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<sup>3</sup> Section 1013.62(1)(a), F.S.

<sup>4</sup> Chapter 2016-237, L.O.F., effective July 1, 2016, reduced the eligibility period from 3 years to 2 years.

<sup>5</sup> Rule 6A-2.0020, F.A.C., provides that a charter school may be considered part of an expanded feeder chain if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding.

<sup>6</sup> Rule 6A-2.0020, F.A.C., provides that the eligibility requirement for student achievement must be determined in accordance with the language in the charter contract and the charter school's current school improvement plan if the school has a current school improvement plan. A charter school receiving an "F" grade designation through the state accountability system, as defined in s. 1008.34, F.S., must not be eligible for capital outlay funding for the school year immediately following the designation. *Id.*

<sup>7</sup> Section 1013.62(1)(b), F.S.

<sup>8</sup> Section 1013.62(1)(b), F.S. (2015)

- Each charter school's capital outlay allocation must not exceed 1/15<sup>th</sup> of the statutory cost per student station specified in s. 1013.64(6)(b), F.S.<sup>9</sup>

In the 2016 Legislative session, the allocation methodology was changed to eliminate the prioritization system weighted toward older schools and create a new method in which charter school capital outlay funds are allocated by using a weighted funding approach to provide additional funds to charter schools that serve high proportions of students eligible for free and reduced price lunch or students with disabilities, or both. More specifically:<sup>10</sup>

- All eligible charter schools must receive a standard base amount of funds per FTE derived from the gross capital outlay funding amount appropriated for charter schools.
- Charter schools must receive an additional 25 percent of the standard base amount if the school has either of the following criteria:
  - A 75 percent or greater free and reduced lunch enrollment;<sup>11</sup> or
  - A 25 percent or greater with disabilities as defined in State Board of Education rule and consistent with the requirements of the Individuals with Disabilities Education Act.
- Charter schools that meet both criteria must receive an additional 50 percent of the standard base amount.
- The statutory requirement that each charter school's capital outlay allocation must not exceed 1/15<sup>th</sup> of the statutory cost per student station was repealed.

For the 2016-2017 school year, of the 535 charter schools that received capital outlay:<sup>12</sup>

- 353 (66%) did not meet either criteria.<sup>13</sup>
- 136 (25%) met the 75% or more free and reduced lunch enrollment criteria.
- 31 (6%) met the 25% or more ESE enrollment criteria.
- 15 (3%) met both criteria.<sup>14</sup>

The Department of Education (DOE) must distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on 1/12<sup>th</sup> of the amount DOE reasonably expects the charter school to receive during that fiscal year.<sup>15</sup> The Commissioner of Education

<sup>9</sup> Section 1013.62(1)(c), F.S. (2015)

<sup>10</sup> Section 14, ch. 2016-237, L.O.F.

<sup>11</sup> On December 7, 2016, the Department of Education filed a Notice of Development of Rulemaking for Rule 6A-6.0020, F.A.C., which contained draft language identifying an additional method to determine the funding allocation for eligibility charter schools by adding an equivalent percentage of schools that are eligible under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010. Florida Department of State, Florida Administrative Code & Florida Administrative Register, Notice 18347761, [https://www.flrules.org/Gateway/View\\_notice.asp?id=18347761](https://www.flrules.org/Gateway/View_notice.asp?id=18347761) (last visited Feb. 16, 2017).

<sup>12</sup> Department of Education, *Charter School Fixed Capital Outlay*, Senate Appropriations Subcommittee on Pre K-12 Education, February 8, 2017, available at [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket\\_3613.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3613.pdf), at 16. For 2016-2017, 535 of 654 (82%) charter schools received capital outlay funds. *Id.* at 15.

<sup>13</sup> The criteria are a school with a 75 percent or greater free and reduced lunch enrollment, or a 25 percent or greater with disabilities as defined in State Board of Education rule and consistent with the requirements of the Individuals with Disabilities Education Act. Section 1013.62(1)(c)1., F.S.

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

<sup>15</sup> Section 1013.62(2)(b), F.S.

(Commissioner) must adjust subsequent distributions as necessary to reflect each charter school's recalculated allocation.<sup>16</sup>

### ***Authorized Uses of Funds***

Capital outlay funds may be used by a charter school's governing board for the following purposes:<sup>17</sup>

- Purchase of real property.
- Construction of school facilities.
- Purchase, lease-purchase, or lease of permanent or relocatable school facilities.
- Purchase of vehicles to transport students to and from the charter school.
- Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of 5 years or longer.
- Effective July 1, 2008, purchase, lease-purchase, or lease of new and replacement equipment, and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support schoolwide administration or state-mandated reporting requirements.
- Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.
- Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

For the 2016-2017 school year, charter schools identified planned expenditures as follows:<sup>18</sup>

- 92% - Purchase, lease-purchase, or lease of permanent or relocatable school facilities.
- 88% - Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.
- 65% - Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.
- 65% - Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of 5 years or longer.
- 53% - Purchase, lease-purchase, or lease of new and replacement equipment, and enterprise resource software applications.
- 27% - Construction of school facilities.
- 22% - Purchase of real property.
- 18% - Purchase of vehicles to transport students to and from the charter school.

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

<sup>17</sup> Section 1013.62(3), F.S.

<sup>18</sup> Department of Education, *Charter School Fixed Capital Outlay, Senate Appropriations Subcommittee on Pre K-12 Education, February 8, 2017*, available at [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket\\_3613.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3613.pdf), at 17.

Additionally, conversion charter schools may use capital outlay funds received through the reduction in the administrative fee provided in s. 1002.33(20), F.S., for the renovation, repair, and maintenance of school facilities that are owned by the sponsor.<sup>19</sup>

### **District School Taxes**

In addition to the maximum millage levy specified in s. 1011.71(1), F.S., each school board may levy not more than 1.5 mills against the taxable value for school purposes for district schools, including charter schools at the discretion of the school board, to fund:<sup>20</sup>

- New construction and remodeling projects, as set forth in ss. 1013.64(3)(b) and (6)(b), F.S., and included in the district's educational plant survey pursuant to s. 1013.31, F.S., without regard to prioritization, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.
- Maintenance, renovation, and repair of existing school plants or of leased facilities to correct deficiencies pursuant to s. 1013.15(2), F.S.
- The purchase, lease-purchase, or lease of school buses.
- The purchase lease-purchase, or lease of new and replacement computer equipment; computer hardware, including electronic hardware and other hardware devices necessary for gaining access to or enhancing the use of electronic content and resources or to facilitate the access to and the use of a school district's digital classrooms plan pursuant to s. 1011.62, F.S., excluding software other than the operating system necessary to operate the hardware or device; and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support districtwide administration or state-mandated reporting requirements.
- Payments for educational facilities and sites due under a lease-purchase agreement entered into by a district school board pursuant to s. 1003.02(1)(f), F.S., or s. 1013.15(2), F.S., not exceeding, in the aggregate, an amount equal to three-fourths of the proceeds from the millage levied by a district school board pursuant to this subsection. The three-fourths limit is waived for lease-purchase agreements entered into before June 30, 2009, by a district school board pursuant to this provision.
- Payment of loans approved pursuant to ss. 1011.14, F.S., and 1011.15, F.S.
- Payment of costs directly related to complying with state and federal environmental statutes, rules, and regulations governing school facilities.
- Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites pursuant to s. 1013.15(2), F.S., or of renting or leasing buildings or space within existing buildings pursuant to s. 1013.15(4), F.S.
- Payment of the cost of school buses when a school district contracts with a private entity to provide student transportation services if the district meets the requirement of this provision:
  - The district's contract must require that the private entity purchase, lease-purchase, or lease, and operate and maintain, one or more school buses of a specific type and size that meet requirements of s. 1006.25, F.S.
  - Each school bus must be used for the daily transportation of public school students in the manner required by the school district.

<sup>19</sup> Section 1013.62(3), F.S.

<sup>20</sup> Section 1011.71(2), F.S.

- Annual payment for each such school bus may not exceed 10 percent of the purchase price of the state pool bid.
- The proposed expenditure of the funds for this purpose must have been included in the district school board's notice of proposed tax for school capital outlay as provided in s. 200.065(10), F.S.

District school boards have been authorized to share local discretionary millage with charter schools since 2006.<sup>21</sup> For 2015-2016, school districts collected approximately \$60.2 million in local discretionary millage.<sup>22</sup> At least three school districts have chosen to share such funding with charter schools<sup>23</sup>; although, it is unknown to what extent districts have chosen to share such funding with charter schools.<sup>24</sup>

### III. Effect of Proposed Changes:

SB 376 substantively restructures charter school capital outlay funding model to dedicate a source of funding by repurposing the discretionary millage revenue for charter schools to apply to charter school capital outlay expenditures. Additionally, the bill:

- Requires school districts to distribute shared local capital outlay funds on a monthly basis, and if the local capital outlay funds are not available, the school district must provide the funds from another funding source.
- Prohibits charter schools from receiving capital outlay funds unless the charter school can demonstrate that the funds will not be used for personal financial enrichment.
- Adds additional criteria for charter schools to demonstrate that seventy-five percent or higher percent of their student population is eligible for free or reduced price school lunch.
- Limits the ability of a charter school governing board to only use charter school capital outlay funds at the charter school that generated the funding.

#### Charter School Capital Outlay

The bill restructures charter school capital outlay to dedicate a source of funding consisting of shared local capital outlay funding derived from the discretionary millage revenue authorized under s. 1011.71(1), F.S., while allowing the Legislature the discretion to determine whether to provide additional state appropriations.

The bill also amends eligibility requirements and the funding allocation methodology for charter school capital outlay funding.

<sup>21</sup> Section 9, ch. 2006-190, L.O.F.

<sup>22</sup> Department of Education, *School District Capital Outlay*, Senate Appropriations Subcommittee on Pre K-12 Education, February 8, 2017, available at [http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket\\_3613.pdf](http://www.flsenate.gov/PublishedContent/Committees/2016-2018/AED/MeetingRecords/MeetingPacket_3613.pdf), at 6.

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

<sup>24</sup> E-Mail, Department of Education (Feb. 17, 2017). Based on information from 2012, the DOE is aware of Sarasota, Sumter, and Franklin school districts sharing local discretionary millage with charter schools. *Id.*

<sup>25</sup> E-Mail, Department of Education (Feb. 13, 2017). The DOE does not collect information pertaining to school districts sharing the local discretionary millage with charter schools. *Id.*

***Eligibility***

The bill provides that the eligibility criteria for shared local capital outlay allocation is the same as that in existing law for state funds provided in the General Appropriations Act (GAA). However, the bill adds a new eligibility requirement (for both shared local capital outlay and for state funds provided in the GAA) consisting of a prohibition on personal financial enrichment.

The bill provides that it is the intent of the Legislature that the public interest be protected by prohibiting personal financial enrichment by owners, operators, managers, and other affiliated parties of charter schools. Additionally, the bill emphasizes that a charter school is not eligible for a funding allocation unless the chair of the governing board and chief administrative officer of the charter school annually certify under oath that the funds will be used solely and exclusively for constructing, renovating, or improving charter school facilities that are:

- Owned by a school district, political subdivision of the state, municipality, Florida College System institution, or state university;
- Owned by an organization, qualified as an exempt organization under s. 501(c)(3) of the Internal Revenue Code, whose articles of incorporation specify that upon the organization's dissolution, the subject property will be transferred to a school district, political subdivision of the state, municipality, Florida College System institution, or state university; or
- Owned by and leased, at a fair market value in the school district in which the charter school is located, from a person or entity that is not an affiliated party of the charter school.

The bill defines "affiliated party of the charter school" to mean:

- The applicant for the charter school pursuant to s. 1002.33, F.S.;
- The governing board of the charter school or a member of the governing board;
- The charter school owner;
- The charter school principal;
- An employee of the charter school;
- An independent contractor of a charter school or charter school governing board;
- A subsidiary corporation, a service corporation, and affiliated corporation, a parent corporation, a limited liability company, a limited partnership, a trust, a partnership, or a related party that, individually or through one or more entities:
  - Shares common ownership or control; and
  - Directly or indirectly manages, administers, controls, or oversees the operation of the charter school; or
- Any person or entity, individually or through one or more entities that share common ownership, which directly or indirectly manages, administers, controls, or oversees the operation of any of the foregoing.

The bill also clarifies that virtual charter schools are not eligible for charter school capital outlay funding.

***Funding Allocation***

The bill provides that the eligibility criteria for shared local capital outlay allocation is identical to that in existing law for state funds provided in the GAA. The bill codifies existing DOE implementation of an additional method to determine the funding allocation for eligible charter

schools by adding an equivalent percentage of schools that are eligible under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010.<sup>25</sup>

The bill provides that the allocation formula for the shared local capital outlay allocation utilize a weighted funding approach to provide additional funds to charter schools who serve high proportions of students eligible for free and reduced price lunch or students with disabilities, or both. More specifically:

- An eligible charter school will receive a base allocation of 50 percent of the maximum calculated capital outlay allocation.
- Charter schools will receive an additional 25 percent of the base allocation if the school has either of the following criteria:
  - A 75 percent or more free and reduced lunch enrollment or an equivalent percentage who are eligible under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010 when the multiplier authorized under the National School Lunch Act, 42 U.S.C. s. 1759(a)(1)(F)(vii), is applied to the number of students reported for direct certification; or
  - A 25 percent or more ESE enrollment.
- Charter schools that that meet both criteria would receive an additional 50 percent of the base allocation (e.g., the maximum calculated capital outlay allocation).

The bill requires each school district to distribute 1/12<sup>th</sup> of the calculated shared local capital outlay funds to eligible charter schools on a monthly basis, beginning in the first quarter of the fiscal year. If local funds are not available, the school district must provide an equivalent amount from another funding source. If the school district is unable to provide the calculated local funds from its millage authorized pursuant to s. 1011.71(2), F.S., the school district must provide an equivalent amount to the eligible charter schools from another school district funding source. Each district must adjust payments to charter schools to reflect updated calculations of the shared local charter school allocations, as determined by the Department of Education (DOE).

The bill provides that the DOE must calculate the shared local capital outlay allocation by dividing the revenue generated from the local discretionary millage authorized under s. 1011.72(2), F.S., and levied by the school board by the sum of the district fixed capital outlay FTE and the FTE for eligible charter schools. This calculated capital outlay allocation per FTE must then be multiplied by the eligible charter school's FTE to provide a maximum calculated capital outlay allocation.

### ***Authorized Use of Funds***

The bill limits the ability of a charter school governing board to only use charter school capital outlay funds at the charter school that generated the funding.

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<sup>25</sup> On December 7, 2016, the Department of Education filed a Notice of Development of Rulemaking for Rule 6A-6.0020, F.A.C., which contained draft language identifying an additional method to determine the funding allocation for eligibility charter schools by adding an equivalent percentage of schools that are eligible under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010. Florida Department of State, Florida Administrative Code & Florida Administrative Register, *Notice 18347761*, [https://www.flrules.org/Gateway/View\\_notice.asp?id=18347761](https://www.flrules.org/Gateway/View_notice.asp?id=18347761) (last visited Feb. 16, 2017).



**District School Taxes**

The bill requires districts to share their 1.5 mills funding with eligible charter schools in the manner specified above via s. 1013.62, F.S.

The bill takes effect July 1, 2017.

**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:**

Under SB 376, school districts, for the first time, will be required to share its local discretionary millage authorized under s. 1011.71(2), F.S., with eligible charter schools. The fiscal impact upon school districts that utilize local discretionary millage is unknown at this time.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

If all charter schools that are eligible for fixed capital outlay funds in the current year remain eligible based on the revised criteria in this bill, the aggregate amount of local funds for charter school capital outlay would be roughly double the 2016-17 state appropriation of \$75 million for this purpose. Individual charter school amounts would be based on the local revenue generated by each district's discretionary capital outlay millage with the base amount being equal to half the district funds per FTE, with additional 25 percent increments for schools that meet either of the special student population criteria and the maximum amount for schools that meet the threshold levels for both criteria. This bill does not require an appropriation.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1011.71 and 1013.62.

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

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

None.

**B. Amendments:**

None.

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

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723030

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/21/2017	.	
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	.	
	.	

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The Committee on Education (Farmer) recommended the following:

**Senate Amendment (with directory amendment)**

Delete line 29  
and insert:  
subsection (1), each school board may levy not more than 2.0 ~~1.5~~

Between lines 93 and 94  
insert:

(3) Notwithstanding subsection (2), if the revenue from 2.0  
~~1.5~~ mills is insufficient to meet the payments due under a  
lease-purchase agreement entered into before June 30, 2009, by a



723030

district school board pursuant to paragraph (2)(e), or to meet other critical district fixed capital outlay needs, the board, in addition to the 2.0 ~~1.5~~ mills, may levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the discretionary mills for operations as provided in the General Appropriations Act. Millage levied pursuant to this subsection is subject to the provisions of s. 200.065 and, combined with the 2.0 ~~1.5~~ mills authorized in subsection (2), may not exceed 2.25 ~~1.75~~ mills. If the district chooses to use up to 0.25 mills for fixed capital outlay, the compression adjustment pursuant to s. 1011.62(5) shall be calculated for the standard discretionary millage that is not eligible for transfer to capital outlay.

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

And the directory clause is amended as follows:

Delete lines 25 - 26

and insert:

Section 1. Subsections (2) and (3) of section 1011.71, Florida Statutes, are amended to read:



318176

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/21/2017	.	
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	.	
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The Committee on Education (Farmer) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 32 - 33  
and insert:  
schools, as specified in s. 1013.62, at the discretion of the  
school board, to fund:

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

And the title is amended as follows:

Delete line 4  
and insert:



318176

12 specified amounts for charter schools at the  
13 discretion of the school board; amending s.



503284

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/21/2017	.	
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The Committee on Education (Farmer) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 101  
and insert:  
Appropriations Act. A charter school's total capital outlay  
funding allocation may not exceed 0.125 of the discretionary  
millage revenue. ~~In each year in which funds are appropriated~~

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

And the title is amended as follows:



503284

11       Delete line 8  
12 and insert:  
13       Appropriations Act; limiting a charter school's total  
14       capital outlay funding allocation; providing that a  
15       virtual charter





113894

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/21/2017	.	
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The Committee on Education (Farmer) recommended the following:

**Senate Amendment to Amendment (503284)**

Delete line 6  
and insert:  
funding allocation may not exceed 1/8 of the discretionary



909634

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/21/2017	.	
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The Committee on Education (Farmer) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 206 - 219  
and insert:

subparagraph 1., the school may not receive the calculated  
capital outlay allocation.

2. An eligible charter school that meets one of the  
criteria specified in paragraph (d) shall be provided 75 percent  
of the maximum calculated capital outlay allocation. An eligible  
charter school that meets both of the criteria specified in  
paragraph (d) shall be provided the maximum calculated capital



909634

outlay allocation.

(f) If an appropriation is provided by the Legislature, the department shall calculate the state allocation as follows:

1. If an eligible charter school does not meet either of the criteria under paragraph (d), the charter school may not receive this state allocation ~~its FTE shall be provided as the base amount of funding and shall be assigned a weight of 1.0. An eligible charter school~~

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

And the title is amended as follows:

Delete line 17

and insert:

calculation; prohibiting a charter school from  
receiving such allocations if it does not meet certain  
requirements; requiring the Department of Education to



189082

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/21/2017	.	
	.	
	.	
	.	

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The Committee on Education (Farmer) recommended the following:

**Senate Amendment**

Delete lines 252 - 258  
and insert:  
quarter of the fiscal year. Each school district shall

By Senator Simmons

9-00139-17

2017376\_\_

A bill to be entitled

An act relating to charter school funding; amending s. 1011.71, F.S.; authorizing school boards to levy specified amounts for charter schools; amending s. 1013.62, F.S.; providing that charter school capital outlay funding consists of shared local capital outlay and state funding as provided in the General Appropriations Act; providing that a virtual charter school is not eligible for a funding allocation; providing legislative intent; prohibiting a charter school from being eligible for a funding allocation under certain circumstances; defining the term "affiliated party of the charter school"; specifying the grouping of eligible charter schools for funding allocations; providing the shared local capital outlay allocation calculation and the state allocation calculation; requiring the Department of Education to make the calculations; requiring each school district to distribute the shared local capital outlay funds within a specified timeframe; specifying where capital outlay funds may be used; providing an effective date.

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

Section 1. Subsection (2) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for district schools, as specified in this section, and including charter schools, as specified in s. 1013.62 at the discretion of the

Page 1 of 10

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2017376\_\_

~~school board~~, to fund:

(a) New construction and remodeling projects, as set forth in s. 1013.64(3)(b) and (6)(b) and included in the district's educational plant survey pursuant to s. 1013.31, without regard to prioritization, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing school plants or of leased facilities to correct deficiencies pursuant to s. 1013.15(2).

(c) The purchase, lease-purchase, or lease of school buses.

(d) The purchase, lease-purchase, or lease of new and replacement equipment; computer hardware, including electronic hardware and other hardware devices necessary for gaining access to or enhancing the use of electronic content and resources or to facilitate the access to and the use of a school district's digital classrooms plan pursuant to s. 1011.62, excluding software other than the operating system necessary to operate the hardware or device; and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support districtwide administration or state-mandated reporting requirements.

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a district school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not exceeding, in the aggregate, an amount equal to three-fourths of the proceeds from the millage levied by a district school board

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62 pursuant to this subsection. The three-fourths limit is waived  
 63 for lease-purchase agreements entered into before June 30, 2009,  
 64 by a district school board pursuant to this paragraph.

65 (f) Payment of loans approved pursuant to ss. 1011.14 and  
 66 1011.15.

67 (g) Payment of costs directly related to complying with  
 68 state and federal environmental statutes, rules, and regulations  
 69 governing school facilities.

70 (h) Payment of costs of leasing relocatable educational  
 71 facilities, of renting or leasing educational facilities and  
 72 sites pursuant to s. 1013.15(2), or of renting or leasing  
 73 buildings or space within existing buildings pursuant to s.  
 74 1013.15(4).

75 (i) Payment of the cost of school buses when a school  
 76 district contracts with a private entity to provide student  
 77 transportation services if the district meets the requirements  
 78 of this paragraph.

79 1. The district's contract must require that the private  
 80 entity purchase, lease-purchase, or lease, and operate and  
 81 maintain, one or more school buses of a specific type and size  
 82 that meet the requirements of s. 1006.25.

83 2. Each such school bus must be used for the daily  
 84 transportation of public school students in the manner required  
 85 by the school district.

86 3. Annual payment for each such school bus may not exceed  
 87 10 percent of the purchase price of the state pool bid.

88 4. The proposed expenditure of the funds for this purpose  
 89 must have been included in the district school board's notice of  
 90 proposed tax for school capital outlay as provided in s.

9-00139-17 2017376\_\_

91 200.065(10).

92 (j) Payment of the cost of the opening day collection for  
 93 the library media center of a new school.

94 Section 2. Subsections (1), (2), and (3) of section  
 95 1013.62, Florida Statutes, are amended to read:

96 1013.62 Charter schools capital outlay funding.—

97 (1) Charter school capital outlay funding shall consist of  
 98 shared local capital outlay funding derived from the  
 99 discretionary millage revenue authorized under s. 1011.71(2) and  
 100 may also consist of state funds provided in the General  
 101 Appropriations Act. In each year in which funds are appropriated  
 102 for charter school capital outlay purposes, The Commissioner of  
 103 Education shall allocate these ~~the~~ funds among eligible charter  
 104 schools as specified in this section.

105 (a) To be eligible for shared local capital outlay  
 106 allocation as specified in paragraph (e) or state a funding  
 107 allocation, a charter school must:

108 1.a. Have been in operation for 2 or more years;

109 b. Be governed by a governing board established in the  
 110 state for 3 or more years which operates both charter schools  
 111 and conversion charter schools within the state;

112 c. Be an expanded feeder chain of a charter school within  
 113 the same school district that is currently receiving charter  
 114 school capital outlay funds;

115 d. Have been accredited by the Commission on Schools of the  
 116 Southern Association of Colleges and Schools; or

117 e. Serve students in facilities that are provided by a  
 118 business partner for a charter school-in-the-workplace pursuant  
 119 to s. 1002.33(15)(b).

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2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available.

3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. Serve students in facilities that are not provided by the charter school's sponsor.

(b) A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee, or at no charge; ~~or~~ if it is directly or indirectly operated by the school district; or if it is a virtual charter school.

(c) It is the intent of the Legislature that the public interest be protected by prohibiting personal financial enrichment by owners, operators, managers, and other affiliated parties of charter schools. Therefore, a charter school is not eligible for a funding allocation unless the chair of the governing board and the chief administrative officer of the charter school annually certify under oath that the funds will be used solely and exclusively for constructing, renovating, or improving charter school facilities that are:

1. Owned by a school district, political subdivision of the state, municipality, Florida College System institution, or state university;

2. Owned by an organization, qualified as an exempt

9-00139-17

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organization under s. 501(c)(3) of the Internal Revenue Code, whose articles of incorporation specify that upon the organization's dissolution, the subject property will be transferred to a school district, political subdivision of the state, municipality, Florida College System institution, or state university; or

3. Owned by and leased, at a fair market value in the school district in which the charter school is located, from a person or entity that is not an affiliated party of the charter school. For the purposes of this subparagraph, the term "affiliated party of the charter school" means the applicant for the charter school pursuant to s. 1002.33; the governing board of the charter school or a member of the governing board; the charter school owner; the charter school principal; an employee of the charter school; an independent contractor of the charter school or the governing board of the charter school; a relative, as defined in s. 1002.33(24)(a)2., of a charter school governing board member, a charter school owner, a charter school principal, a charter school employee, or an independent contractor of a charter school or charter school governing board; a subsidiary corporation, a service corporation, an affiliated corporation, a parent corporation, a limited liability company, a limited partnership, a trust, a partnership, or a related party that, individually or through one or more entities, shares common ownership or control and directly or indirectly manages, administers, controls, or oversees the operation of the charter school; or any person or entity, individually or through one or more entities that share common ownership, which directly or indirectly manages,

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administers, controls, or oversees the operation of any of the foregoing.

~~(d)(e)~~ In determining the funding allocation for eligible charter schools, the department shall group them into one of the following ~~be calculated as follows~~.

~~1. Eligible charter schools shall be grouped into~~ categories based on their student populations ~~according to the following criteria:~~

~~1.a.~~ Seventy-five percent or greater who are eligible for free or reduced-price school lunch or an equivalent percentage who are eligible under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010 when the multiplier authorized under the National School Lunch Act, 42 U.S.C. s. 1759a(a) (1) (F) (vii), is applied to the number of students reported for direct certification.

~~2.b.~~ Twenty-five percent or greater with disabilities as defined in state board rule and consistent with the requirements of the Individuals with Disabilities Education Act.

(e) The department shall calculate the shared local capital outlay allocation by dividing the revenue generated from the local discretionary millage authorized under s. 1011.71(2) and levied by the school board by the sum of the district fixed capital outlay FTE and the FTE for eligible charter schools. This calculated capital outlay allocation per FTE must then be multiplied by the eligible charter school's FTE to provide a maximum calculated capital outlay allocation.

~~1.2.~~ If an eligible charter school does not meet the criteria for either category specified in paragraph (d) under ~~subparagraph 1., the school shall receive a base allocation of~~

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50 percent of the maximum calculated capital outlay allocation.

2. An eligible charter school that meets one of the criteria specified in paragraph (d) shall be provided 75 percent of the maximum calculated capital outlay allocation. An eligible charter school that meets the criteria under both of the criteria specified in paragraph (d) shall be provided the maximum calculated capital outlay allocation.

(f) If an appropriation is provided by the Legislature, the department shall calculate the state allocation as follows:

1. If an eligible charter school does not meet either of the criteria under paragraph (d), the charter school's ~~its~~ FTE shall be ~~provided as~~ the base funding amount ~~of funding~~ and shall be assigned a weight of 1.0. An eligible charter school that meets either of the criteria under paragraph (d) ~~sub-subparagraph 1.a. or sub-subparagraph 1.b.~~ shall be provided an additional 25 percent above the base funding amount, and the total FTE shall be multiplied by a weight of 1.25. An eligible charter school that meets both of the criteria under paragraph (d) ~~both sub-subparagraphs 1.a. and b.~~ shall be provided an additional 50 percent above the base funding amount, and the FTE for that school shall be multiplied by a weight of 1.5.

~~2.3.~~ The state appropriation for charter school capital outlay shall be divided by the total weighted FTE for all eligible charter schools to determine the base charter school per weighted FTE allocation amount. The per weighted FTE allocation amount shall be multiplied by the weighted FTE to determine each charter school's capital outlay allocation.

(2) (a) The department shall calculate the eligible charter school funding allocations. Funds shall be allocated using full-



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time equivalent membership from the second and third enrollment surveys, ~~and~~ free and reduced-price school lunch data, ~~ad~~ valorem revenue, and the state appropriation. The department shall recalculate the allocations periodically based on the receipt of revised information, on a schedule established by the Commissioner of Education.

(b) The department shall distribute appropriated capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's recalculated allocation.

(c) Each school district shall distribute one-twelfth of the calculated shared local capital outlay funds to eligible charter schools on a monthly basis, beginning in the first quarter of the fiscal year. If local funds are not yet available, the school district must provide an equivalent amount from another funding source. If the school district is unable to provide the calculated local funds from its millage authorized pursuant to s. 1011.71(2), the school district must provide an equivalent amount to the eligible charter schools from another school district funding source. Each school district shall adjust payments to charter schools to reflect updated calculations of the shared local charter school allocations, as determined by the department.

(3) A charter school's governing body may only use charter school capital outlay funds at the charter school that generated the capital outlay funding for the following purposes:

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(a) Purchase of real property.

(b) Construction of school facilities.

(c) Purchase, lease-purchase, or lease of permanent or relocatable school facilities.

(d) Purchase of vehicles to transport students to and from the charter school.

(e) Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of 5 years or longer.

(f) Effective July 1, 2008, purchase, lease-purchase, or lease of new and replacement equipment, and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support schoolwide administration or state-mandated reporting requirements.

(g) Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.

(h) Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

Conversion charter schools may use capital outlay funds received through the reduction in the administrative fee provided in s. 1002.33(20) for renovation, repair, and maintenance of school facilities that are owned by the sponsor.

Section 3. This act shall take effect July 1, 2017.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

2-21-17

Meeting Date

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

376

Bill Number (if applicable)

723030

Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Andrew Watt

Job Title Director of Legislative Affairs

Address 3300 Forest Hill Blvd

Street

West Palm Beach

City

FL

State

33406

Zip

Phone 561-951-1139

Email Andrew.Watt@PalmBeachSchools.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing School District of Palm Beach County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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

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

2/21/17  
Meeting Date

376  
Bill Number (if applicable)

Topic SB 376 - For information on Bill  
in support of amendment

723030  
Amendment Barcode (if applicable)

Name Joy Frank

Job Title General Counsel

Address 208 S. Monroe St  
Street  
Tallah. FL 32301  
City State Zip

Phone 850-577-5757

Email JFrank@FLASS.org

Speaking: ☒ For ☐ Against ☒ Information  
amendment on Bill

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

Representing FL Association of District School Superintendents

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/21/17

Meeting Date

396

Bill Number (if applicable)

Topic Student Loan Bill

Amendment Barcode (if applicable)

Name James Doyle

Job Title Director of Gov't Affairs

Address \_\_\_\_\_  
Street

Phone 407 608 9702

City

State

Zip

Email director.oga.fs@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FSU Student Government

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/21/2017  
Meeting Date

Topic \_\_\_\_\_

Bill Number 376  
(if applicable)

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705  
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

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)

2/9/15  
Meeting Date

SB 376  
Bill Number (if applicable)

Topic SB 376

Amendment Barcode (if applicable)

Name Colleen Conklin

Job Title Flagler Co. School Board Member

Address 229 Ocean Palm Dr

Phone 386-569-9323

Street

Flagler Beach, FL 32136

City

State

Zip

Email conklinc@flaglerschools.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Flagler School Board

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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

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

Feb 21, 2017  
Meeting Date

SB 376  
Bill Number (if applicable)

Topic Charter School Funding

Amendment Barcode (if applicable)

Name Shawn Frost

Job Title President

Address 113 S. Monroe St. #101  
Street  
Tallahassee FL 32301  
City State Zip

Phone (850) 391-0421  
Email info@FCSBM.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Coalition of School Board Members

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/21/17

Meeting Date

SB 376

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Kelly Quintero

Job Title Lobbyist for League of Women Voters of Florida

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City State Zip gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing League of Women Voters 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 (10/14/14)



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/21/17  
Meeting Date

SB 376  
Bill Number (if applicable)

Topic Charter School Funding

Amendment Barcode (if applicable)

Name Karen Zaremba

Job Title Teacher

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Street

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State

33462  
Zip

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Speaking: ☐ For ☒ Against ☐ Information

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

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.

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 396

INTRODUCER: Senators Hukill and Bean

SUBJECT: Student Loan Debt

DATE: February 21, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	Fav/CS
2.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 396 requires certain postsecondary education institutions to provide information regarding student loans annually to students. Specifically, the bill:

- Defines “student loans” to mean federal loans disbursed to a student to pay for education-related expenses.
- Establishes the requirement that a postsecondary education institution that disburses state financial aid provide the following up-to-date information annually to each student receiving student loans:
  - An estimate of the student’s total amount of borrowed student loans.
  - An estimate of the student’s total potential loan repayment amount associated with the total amount of student loans borrowed by the student.
  - An estimate of the student’s monthly loan repayment amount for the student’s total amount of borrowed student loans.
  - The percentage of the borrowing limit that the student has reached at the time the information is provided.
- Provides that an institution does not incur liability for providing the specified information.

The bill takes effect July 1, 2017.

**II. Present Situation:**

A student may receive financial aid from a variety of sources to pay for education-related expenses associated with pursuing higher education, including federal aid, state aid, aid from the

postsecondary education institution the student attends, and aid from private and nonprofit organizations.<sup>1</sup>

Federal student aid includes grants, loans and work-study programs.<sup>2</sup> Federal grant aid is generally not required to be repaid unless, for instance, a student withdraws and owes a refund.<sup>3</sup> Federal loans are borrowed money for postsecondary education that must be repaid, with interest.<sup>4</sup> A student may participate in a federal work-study program through which he or she earns money to assist with the costs of higher education.<sup>5</sup>

Florida provides financial assistance programs through grants and scholarship programs.<sup>6</sup> Postsecondary education institutions also offer financial aid from their own institutional funds.<sup>7</sup> In addition, students may seek aid in the form of scholarships or grants from a nonprofit or private organization to assist with the costs of higher education,<sup>8</sup> which are generally not required to be repaid. Finally, students may borrow funds from private loan sources to pay for higher education.<sup>9</sup>

### **Federal Student Loans**

The federal government offers loans to eligible students for the purpose of assisting with the costs of higher education.<sup>10</sup> A direct loan is a federal student loan, through the William D. Ford Federal Direct Loan Program, for which eligible students and parents borrow directly from the U.S. Department of Education at participating schools.<sup>11</sup> Direct loans include the following four types of loans:<sup>12</sup>

- Direct subsidized loans are loans to eligible undergraduate students who demonstrate financial need to help cover the costs of higher education;
- Direct unsubsidized loans are loans to eligible undergraduate, graduate, and professional students that are not need-based;
- Direct PLUS loans are loans to graduate or professional students and parents of dependent undergraduate students to help pay for educational expenses not covered by other financial aid; and
- Direct consolidation loans allow student borrowers to combine all eligible federal student loans into a single loan with a single loan servicer.

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<sup>1</sup> U.S. Department of Education, *Types of Aid*, <https://studentaid.ed.gov/sa/types> (last visited Feb. 20, 2017).

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

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

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

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

<sup>6</sup> Florida Department of Education, Office of Student Financial Assistance, *State Scholarships and Grant Programs*, <http://www.floridastudentfinancialaid.org/SSFAD/home/uamain.htm> (last visited Feb. 20, 2017).

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

<sup>8</sup> *Id.*

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

<sup>10</sup> 34 C.F.R. s. 668.

<sup>11</sup> 34 C.F.R. s. 685.100.

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

The U.S. Department of Education also offers the federal Perkins loan program, a school-based loan program for undergraduates and graduate students with exceptional financial need.<sup>13</sup> The school is the lender of Perkins loans and the loan amount is capped.<sup>14</sup>

### ***Free Application for Federal Student Aid***

An eligible student who wishes to receive federal loans is required to annually complete and submit a Free Application for Federal Student Aid (FAFSA).<sup>15</sup> The postsecondary education institution at which the student is enrolled receives the FAFSA and is responsible for distributing the loan award letter, which specifies the amount of loan that the student is eligible for at the school and provides instructions on how to accept all or part of the loan.<sup>16</sup> Students who borrow federal student loans may visit the *My Federal Student Aid* website to view information about the federal student loans they have borrowed.<sup>17</sup> This website provides students with access to their total loan obligations, repayment calculators, information regarding loan servicers, and other data related to federal student loans.<sup>18</sup>

### ***Borrowing Limit***

The federal government limits the amount in subsidized and unsubsidized loans that a student may borrow each academic year (annual loan limits) and the total amount the student may borrow for undergraduate and graduate study (aggregate loan limits).<sup>19</sup> The actual loan amount a student is eligible to receive may be less than the annual loan limit depending on the year of study and whether or not the student is a dependent or independent student.<sup>20</sup> The student's FAFSA answers determine whether the student is considered dependent or independent.<sup>21</sup> The FAFSA questions that determine dependency status change annually.<sup>22</sup>

A student who reaches the aggregate loan limit is not eligible to receive additional loans, unless the student first makes a payment that reduces his or her outstanding loan debt below the aggregate loan limit.<sup>23</sup> The student may then borrow up to the amount of his or her remaining eligibility under the aggregate loan limit after his or her outstanding loan limit is within the aggregate loan limit established by the federal government.<sup>24</sup>

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<sup>13</sup> 34 C.F.R. s. 674.1.

<sup>14</sup> 34 C.F.R. s. 674.12.

<sup>15</sup> 34 C.F.R. s. 685.201.

<sup>16</sup> U.S. Department of Education, *Student Loan Types*, <https://studentaid.ed.gov/sa/types/loans/subsidized-unsubsidized#how-much> (last visited Feb. 20, 2017).

<sup>17</sup> U.S. Department of Education, *Understanding Repayment*, <https://studentaid.ed.gov/sa/repay-loans/understand/servicers> (last visited Feb. 20, 2017).

<sup>18</sup> U.S. Department of Education, *My Federal Student Aid*, <https://studentaid.ed.gov/sa/?login=true> (last visited Feb. 20, 2017).

<sup>19</sup> U.S. Department of Education, *Student Loan Types*, <https://studentaid.ed.gov/sa/types/loans/subsidized-unsubsidized#how-much> (last visited Feb. 20, 2017).

<sup>20</sup> *Id.*

<sup>21</sup> U.S. Department of Education, *Filling out the FAFSA*, <https://studentaid.ed.gov/sa/fafsa/filling-out/dependency#dependent-or-independent> (last visited Feb. 20, 2017).

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

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

<sup>24</sup> U.S. Department of Education, *Student Loan Types*, <https://studentaid.ed.gov/sa/types/loans/subsidized-unsubsidized#how-much> (last visited Feb. 20, 2017).

### ***Loan Disclosure Requirements***

Federal law requires that every postsecondary education institution eligible to participate in the federal loan programs must provide student borrowers with entrance counseling prior to the initial disbursement of federal funds.<sup>25</sup> Specifically, the federal loan entrance counseling must include the following information:<sup>26</sup>

- The effect of accepting the loan on the eligibility of the borrower for other forms of student financial assistance;
- An explanation of the use of the master promissory note;
- Information on how interest accrues and is capitalized;
- Options for the student to pay interest on specified loans while in school;
- Sample monthly repayment amounts;
- The borrower's obligation to repay the full loan amount;
- Consequences of default on the loan;
- Information on borrower records available on the National Student Loan Data System; and
- Contact information for an individual the borrower may contact with questions regarding the loan.

Federal law also requires each postsecondary education institution eligible to participate in federal financial assistance programs to provide exit counseling to student borrowers of federal loans prior to the completion of the borrower's course of study or departure from the institution.<sup>27</sup> This exit counseling must include:<sup>28</sup>

- Available repayment plans;
- Debt management strategies;
- An explanation of repayment options for each loan;
- A general description of any loan forgiveness program;
- A description of any forbearance provisions;
- Default consequences;
- Consolidation options;
- Available tax benefits; and
- Information regarding the National Student Loan System.

### **State Reporting Requirements**

Each state university and Florida College System (FCS) institution is required to provide to each enrolled student, prior to registration, electronic access to the economic security report of employment and earnings outcomes prepared by the Department of Economic Opportunity.<sup>29</sup> The economic security report provides estimated earnings potential and salary ranges for specified degree programs offered by the institutions.<sup>30</sup> Based on this information, a student may

<sup>25</sup> 20 U.S.C. s. 1092(1)(1).

<sup>26</sup> 20 U.S.C. s. 1092(1)(2).

<sup>27</sup> 20 U.S.C. s. 1092(b)(1)(A).

<sup>28</sup> *Id.*

<sup>29</sup> Section 1001.706(5)(d), F.S.; Department of Economic Opportunity, *Economic Security Report 2016*, [http://www.beyondeducation.org/temp/ER\\_Report.pdf](http://www.beyondeducation.org/temp/ER_Report.pdf) (last visited Feb. 20, 2017).

<sup>30</sup> Section 1001.706(5)(d), F.S.

consider various financial aid options, including borrowing loans, to pursue a postsecondary education degree program of their choice.

### ***Board of Governors***

The Board of Governors of the State University System of Florida (BOG) must develop an accountability plan for the State University System and each constituent university, which must address institutional and system achievement of the goals and objectives specified in the BOG's strategic plan.<sup>31</sup> The BOG strategic plan must include, but is not limited to, performance measures and standards for student loan burden and default rates.<sup>32</sup>

Each university board of trustees is required to establish a policy for the administration, distribution and use of student financial aid, including student loans, that complies with existing federal or state law relating to financial aid.<sup>33</sup>

### ***State Board of Education***

Each board of trustees of an FCS institution is authorized to create policies related to student financial assistance and other student services, subject to rules of the State Board of Education (SBE).<sup>34</sup> Each FCS institution must submit specified financial reports to the Florida Department of Education (DOE) in addition to maintaining enrollment-related financial records.<sup>35</sup> SBE rules require that each FCS institution enrolling students who receive state financial aid and tuition assistance:<sup>36</sup>

- Develop written procedures for the administration of aid programs;
- Provide adequate staff;
- Coordinate institutional, state, federal, and state tuition awards to students;
- Maintain auditable records of state student aid and tuition assistance funds;
- Retain these records for five years;
- Verify and certify student eligibility;
- Disburse state aid and tuition assistance funds;
- Maintain student acknowledgement of receipt of funds;
- Provide reports required by the DOE; and
- Comply with refund policies.

### ***Nonpublic Postsecondary Education Institutions***

Nonpublic postsecondary institutions<sup>37</sup> must comply with the following student loan related reporting requirements specified in Florida law:<sup>38</sup>

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<sup>31</sup> Section 1001.706(5)(c), F.S.

<sup>32</sup> Section 1001.706(5)(b)1., F.S.

<sup>33</sup> Florida Board of Governors Regulation 3.009.

<sup>34</sup> Section 1001.64(1) and (8), F.S.

<sup>35</sup> Rule 6A-14.072, F.A.C.

<sup>36</sup> Rule 6A-20.002, F.A.C.

<sup>37</sup> This includes every institution that is under the jurisdiction of the Commission for Independent Education or that is exempt from the jurisdiction or purview of the Commission pursuant to section 1005.06(1)(c) or (f) and that directly or indirectly solicits student enrollment. Section 1005.04, F.S.

<sup>38</sup> Section 1005.04(1), F.S.

- Inform each student accurately about financial assistance and obligations for repayment of loans, describe any employment placement services provided and the limitations thereof, and refrain from misinforming the public about guaranteed placement, market availability, or salary amounts.<sup>39</sup>
  - This disclosure must be in writing and signed and dated by each student applying for and receiving a student loan, to the effect that the student understands that he or she is obligated to repay the loan, the terms and amounts of repayments, and when repayments will begin.<sup>40</sup>
- Publish and follow equitable refund policies and follow these refund policies in addition to federal refund guidelines.<sup>41</sup>

### III. Effect of Proposed Changes:

CS/SB 396 requires certain postsecondary education institutions to provide information regarding student loans annually to students. Specifically, the bill:

- Defines “student loans” to mean federal loans disbursed to a student to pay for education-related expenses.
- Establishes the requirement that a postsecondary education institution that disburses state financial aid provide the following up-to-date information annually to each student receiving student loans:
  - An estimate of the student’s total amount of borrowed student loans.
  - An estimate of the student’s total potential loan repayment amount associated with the total amount of student loans borrowed by the student.
  - An estimate of the student’s monthly loan repayment amount for the student’s total amount of borrowed student loans.
  - The percentage of the borrowing limit that the student has reached at the time the information is provided.
- Provides that an institution does not incur liability for providing the specified information.

#### Student Loans Definition

The bill defines “student loans,” for purposes of the information that must be annually provided to enrolled students, to mean federal loans disbursed to a student to pay for education-related expenses. Postsecondary education institutions do not have access to information on private loans borrowed by a student, unless the student provides such information to the institutions.<sup>42</sup>

#### Student Loan Disclosure Requirements

The bill requires public and private postsecondary education institutions that disburse state financial aid to annually provide the following up-to-date information to each student receiving student loans:

- An estimate of the student’s total amount of borrowed student loans.

<sup>39</sup> Section 1005.04(1)(c), F.S.

<sup>40</sup> Rule 6E-1.0032(6)(h), F.A.C.

<sup>41</sup> Section 1005.04(1)(f), F.S.

<sup>42</sup> Florida Department of Education, *CS/SB 396 Analysis* (2017), at 7.

- An estimate of the student's total potential loan repayment amount, including principal and interest, for the total amount of borrowed student loans.
- An estimate of the student's monthly loan repayment amounts for the total amount of borrowed student loans.
- The percentage of the borrowing limit that the student has reached at the time the institution provides the information.

The specified requirements may assist with reinforcing the information available to students who complete the federal Free Application for Federal Student Aid (FAFSA), regarding federal student loans and obligations related to incurring debt. Consequently, the bill may increase students' awareness about their aggregate federal student loan debt, estimated repayment obligations, and the consequences of failing to repay federal loans. Students may use this information to consider various financial aid options, including borrowing student loans, in planning to pay for education-related expenses.

The bill provides that an institution does not incur liability for providing the annually required student loan information.

This bill takes effect July 1, 2017.

#### **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 section 1009.894 of the Florida Statutes.

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

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

**CS by Education on February 21, 2017:**

The committee substitute clarifies that:

- Student loans means federal loans disbursed to a student to pay for education-related expenses.
- A postsecondary institution that disburses state financial aid must annually provide up-to-date information on the total loans borrowed and loan repayment obligations to each enrolled student receiving student loans.

**B. Amendments:**

None.



526242

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2017	.	
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	.	
	.	

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The Committee on Education (Hukill) recommended the following:

**Senate Amendment**

Delete lines 16 - 30  
and insert:  
federal loans disbursed to a student to pay for education-  
related expenses.

(2) Beginning with the 2017-2018 academic year, a  
postsecondary institution that disburses state financial aid  
shall annually provide each student receiving student loans with  
the following up-to-date information:

(a) An estimate of:



526242

1. The student's total amount of borrowed student loans.
2. The student's total potential loan repayment amount,  
including principal and interest, for the total amount of  
borrowed student loans.
3. The student's monthly loan repayment amounts for the  
total amount of borrowed student loans at the time the  
institution provides the

By Senator Hukill

14-00061-17

2017396\_\_

A bill to be entitled

An act relating to student loan debt; creating s.  
1009.894, F.S.; defining the term "student loans";  
requiring postsecondary institutions to annually  
provide certain students with specified information  
regarding their student loans; providing that an  
institution does not incur any liability for providing  
such information; providing an effective date.

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

Section 1. Section 1009.894, Florida Statutes, is created  
to read:

1009.894 Student loan information.—

(1) As used in this section, the term "student loans" means  
loans offered to a student to pay for education-related expenses  
such as tuition, room and board, and textbooks.

(2) Beginning with the 2017-2018 academic year, a  
postsecondary institution that receives state financial aid  
information for an enrolled student shall annually provide the  
student with the following information:

(a) An estimate of:

1. The total amount of student loans taken out by the  
student.

2. The student's total potential payoff for the student  
loans he or she has taken out or an estimate of a range of the  
total payoff amount.

3. The monthly repayment amounts that the student may  
incur, including principal and interest, for the student loans  
he or she has taken out at the time the institution provides the  
student loan information required under this paragraph.

(b) The percentage of the borrowing limit that the student

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

14-00061-17

2017396\_\_

has reached at the time the information under paragraph (a) is  
provided.

(3) An institution does not incur liability for providing  
information to a student under this section.

Section 2. This act shall take effect July 1, 2017.

Page 2 of 2

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

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 438

INTRODUCER: Senator Baxley

SUBJECT: Out-of-school Suspension

DATE: February 20, 2017 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	<b>Favorable</b>
2.			RC	

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## **I. Summary:**

SB 438 revises parents' rights and school districts' duties regarding the suspension of public school students. Specifically, the bill:

- Grants parents the right to give public testimony at a district school board meeting during which the board reviews its out-of-school suspension rules;
- Requires a district school board to review, once every 3 years, its rules authorizing out-of-school suspension during a district school board meeting; and
- Specifies that a district school board's rules authorizing out-of-school suspension expire if the board does not conduct its review of these rules in accordance with the law.

The bill takes effect July 1, 2017.

## **II. Present Situation:**

Florida law provides for both parent and student rights and specifies district school board duties related to student discipline and school safety.

### **Student and Parent Rights**

Parents of public school students are entitled to receive accurate and timely information regarding their child's academic performance and ways to help their child succeed in school.<sup>1</sup> Additionally, Florida law affords students and parents other rights including, but not limited to, rights regarding the discipline of a public school student.<sup>2</sup>

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

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

A student may be suspended pursuant to a district school board's rules.<sup>3</sup> A good faith effort must be made to immediately inform the parent, by telephone, of the suspension and related reason.<sup>4</sup> Each suspension must be reported in writing within 24 hours to the parent by U.S. mail.<sup>5</sup> A good faith effort must be made to use parental assistance before suspension, unless the situation requires immediate suspension.<sup>6</sup> Additionally, a student with a disability may only be recommended for suspension or expulsion in accordance with State Board of Education rules.<sup>7</sup>

### **District School Board Duties**

A district school board is responsible for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to the health, safety and welfare of students.<sup>8</sup> Specifically, a district school board must adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion.<sup>9</sup> Additionally, a district school board must adopt a code of student conduct for elementary, middle, and high schools and distribute the appropriate code to all teachers, school personnel, students and parents at the beginning of every school year.<sup>10</sup>

A district school board must hold at least one regular meeting each month and convene for special session when called by the district school superintendent or on request of a majority of the district school board members.<sup>11</sup> All district school board meetings are open to the public.<sup>12</sup>

Currently, the School Environmental Safety Incident Reporting (SESIR) System assists schools, districts, and the Florida Department of Education (DOE) staff assess the extent and nature of problems in school safety.<sup>13</sup> The SESIR system requires schools to report 26 types of serious safety incidents that occur on school grounds, on school transportation, and at off-campus, school-sponsored events.<sup>14</sup> SESIR data is reported statewide and by school district within the Florida Statewide Report on School Safety and Discipline and must include the disciplinary action taken for each reported incident (e.g., suspension, expulsion, corporal punishment).<sup>15</sup> DOE also collects annual data on the types and number of disciplinary action administered when students violate district school board rules.<sup>16</sup>

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<sup>3</sup> Section 1002.20(4)(a)(1), F.S.

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

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

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

<sup>7</sup> Section 1002.20(4)(a)(2), F.S.; Rule 6A-6.03312, F.A.C.

<sup>8</sup> Section 1006.07, F.S.

<sup>9</sup> Section 1006.07(1)(a), F.S.

<sup>10</sup> Section 1006.07(2), F.S.

<sup>11</sup> Section 1001.372(1), F.S. A district school board must also convene for special session when called by the district school superintendent on request of the chair of the district school board.

<sup>12</sup> Section 286.011, F.S.

<sup>13</sup> Florida Department of Education, *School Environmental Safety Incident Reporting (SESIR)*, <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/sesir-discipline-data/> (last visited February 20, 2017).

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

<sup>15</sup> *Id.*

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

### III. Effect of Proposed Changes:

SB 438 revises parents' rights and school districts' duties regarding the suspension of public school students. Specifically, the bill:

- Grants parents the right to give public testimony at a district school board meeting during which the board reviews its out-of-school suspension rules;
- Requires a district school board to review, once every 3 years, its rules authorizing out-of-school suspension during a district school board meeting; and
- Specifies that a district school board's rules authorizing out-of-school suspension expire if the board does not conduct its review of these rules in accordance with the law.

#### Student and Parent Rights

The bill grants parents the right to give public testimony at a district school board meeting at which the district board reviews its out-of-school suspension rules. This may allow parents to gain insight into how the out-of-school suspension rules are administered and comment on the review and improvement of such rules.

#### District School Board Duties

The bill requires a district school board to review, once every three years, its rules authorizing out-of-school suspension as a form of discipline at a district school board meeting. Currently, there is no statutory requirement that a district school board review its out-of-suspension rules during a district school board meeting. The bill requires the board to accept public testimony at the district school board meeting reviewing these rules. The bill provides that if a district does not review its out-of-school suspension rules and accept public testimony at a district school board meeting reviewing such rules, the rules authorizing out-of-school suspension will expire.

The bill creates information collection requirements related to the review of a district school board's out-of-school rules. The information must include the disability status, race, gender, and rate of recidivism of each student in the district who has received out-of-school suspension since the district school board's last review. Schools currently collect information regarding disciplinary actions through the School Environmental Safety Incident Reporting (SESIR) System.<sup>17</sup> The SESIR system requires schools to collect data on 26 specified incidents of crime, violence and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school sponsored events. Incidents are reported by the schools to the districts, which provide the data to the Florida Department of Education (DOE).<sup>18</sup> However, it does not appear that the SESIR system contains demographic data regarding the disability status, race, gender and rate of recidivism of each student in the district who has received out-of-school suspension.

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<sup>17</sup> Florida Department of Education, *School Environmental Safety Incident Reporting (SESIR)*, <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/sesir-discipline-data/> (last visited February 20, 2017).

<sup>18</sup> Florida Department of Education, *Statewide Report on School Safety & Discipline Data*, <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/sesir-discipline-data/discipline-incident-data/statewide-report-on-school-safety-disc.stml> (last visited February 20, 2017).

The bill may increase awareness of a district school board's rules authorizing out-of-school suspension as a form of disciplinary action. Public input and specified information that must be collected may help district school boards in reviewing and improving their rules authorizing out-of-school suspension.

The bill takes effect July 1, 2017.

**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: 1002.20 and 1006.07.



**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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

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125328

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/21/2017	.	
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	.	
	.	

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The Committee on Education (Stewart) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 41 - 56  
and insert:

Section 2. Paragraph (a) of subsection (18) of section  
1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The  
district school board, acting as a board, shall exercise all  
powers and perform all duties listed below:

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
Maintain a system of school improvement and education



125328

12 accountability as provided by statute and State Board of  
13 Education rule. This system of school improvement and education  
14 accountability shall be consistent with, and implemented  
15 through, the district's continuing system of planning and  
16 budgeting required by this section and ss. 1008.385, 1010.01,  
17 and 1011.01. This system of school improvement and education  
18 accountability shall comply with the provisions of ss. 1008.33,  
19 1008.34, 1008.345, and 1008.385 and include the following:

20 (a) *School improvement plans.*—

21 1. The district school board shall annually approve and  
22 require implementation of a new, amended, or continuation school  
23 improvement plan for each school in the district. If a school  
24 has a significant gap in achievement on statewide, standardized  
25 assessments administered pursuant to s. 1008.22 by one or more  
26 student subgroups, as defined in the federal Elementary and  
27 Secondary Education Act (ESEA), 20 U.S.C. s.  
28 6311(b)(2)(C)(v)(II); has not significantly increased the  
29 percentage of students passing statewide, standardized  
30 assessments; has not significantly increased the percentage of  
31 students demonstrating Learning Gains, as defined in s. 1008.34  
32 and as calculated under s. 1008.34(3)(b), who passed statewide,  
33 standardized assessments; ~~or~~ has significantly lower graduation  
34 rates for a subgroup when compared to the state's graduation  
35 rate; or has a significantly higher rate of in-school and out-  
36 of-school suspensions when compared to the statewide average,  
37 that school's improvement plan shall include strategies for  
38 improving these results. The state board shall adopt rules  
39 establishing thresholds and for determining compliance with this  
40 subparagraph.



125328

2. A school that includes any of grades 6, 7, or 8 shall include annually in its school improvement plan information and data on the school's early warning system required under paragraph (b), including a list of the early warning indicators used in the system, the number of students identified by the system as exhibiting two or more early warning indicators, the number of students by grade level that exhibit each early warning indicator, and a description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system. In addition, a school that includes any of grades 6, 7, or 8 shall describe in its school improvement plan the strategies used by the school to implement the instructional practices for middle grades emphasized by the district's professional development system pursuant to s. 1012.98(4)(b)9.

Section 3. Paragraph (a) of subsection (1) of section 1006.07, Florida Statutes, is amended to read:

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

(1) CONTROL OF STUDENTS.—

(a) Adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion. Once every 3 years, the district school board shall review its rules authorizing out-of-school suspension as a form of discipline during a district



125328

school board meeting held pursuant to s. 1001.372. The review  
must include available school district resources for  
implementing student systems of support contained in a school  
improvement plan adopted pursuant to s. 1001.42(18)(a) and  
school district data regarding the disability

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

And the title is amended as follows:

Between lines 5 and 6

insert:

amending s. 1001.42, F.S.; requiring certain district  
school board's school improvement plans to include  
strategies for improving rates of in-school and out-  
of-school suspension in its district;

By Senator Baxley

12-00460A-17

2017438\_\_

A bill to be entitled

An act relating to out-of-school suspension; amending s. 1002.20, F.S.; authorizing a parent to give public testimony regarding a district school board's out-of-school suspension policy at a specified meeting; amending s. 1006.07, F.S.; requiring a district school board to review its rules authorizing out-of-school suspension during a specified timeframe at a district school board meeting; requiring the board to take public testimony at the meeting; providing that the rules expire under certain circumstances; providing an effective date.

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

Section 1. Paragraph (a) of subsection (4) of section 1002.20, Florida Statutes, is amended to read:

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

(4) DISCIPLINE.—

(a) *Suspension of public school student.*—In accordance with the provisions of s. 1006.09(1)-(4):

1. A student may be suspended only as provided by rule of the district school board. A good faith effort must be made to immediately inform the parent by telephone of the student's suspension and the reason. Each suspension and the reason must be reported in writing within 24 hours to the parent by United States mail. A good faith effort must be made to use parental

12-00460A-17

2017438\_\_

assistance before suspension unless the situation requires immediate suspension.

2. A student with a disability may only be recommended for suspension or expulsion in accordance with State Board of Education rules.

3. A parent may give public testimony at a district school board meeting that reviews the board's rules authorizing out-of-school suspension as provided in s. 1006.07(1)(a).

Section 2. Paragraph (a) of subsection (1) of section 1006.07, Florida Statutes, is amended to read:

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

(1) CONTROL OF STUDENTS.—

(a) Adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion. Once every 3 years, the district school board shall review its rules authorizing out-of-school suspension as a form of discipline during a district school board meeting held pursuant to s. 1001.372. The review must include school district data regarding the disability status, race, gender, and rate of recidivism of each student in the school district who has received out-of-school suspension since the district school board's last review. The district school board shall take public testimony at the meeting. If such a meeting is not held in accordance with this paragraph, the

12-00460A-17

2017438\_\_

board's rules authorizing out-of-school suspension expire.

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

Section 3. This act shall take effect July 1, 2017.

## THE FLORIDA SENATE

## APPEARANCE RECORD

2/21/17  
Meeting Date

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

SB 438  
Bill Number (if applicable)

Topic SB 438 - Out of School Suspension Amendment Barcode (if applicable)

Name Jessica Janasiewicz

Job Title Governmental Consultant

Address 119 S. Monroe Street

Phone 850-681-6515

Tallahassee FL 32301  
City State Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Florida Association of School Administrators

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

2/21/17

Meeting Date

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

SB 438  
Bill Number (if applicable)

Topic Out-of-School Suspension

Amendment Barcode (if applicable)

Name John CERA

Job Title FASP Lobbyist

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Phone 786-525-6233

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City

FL

State

32301

Zip

Email cerra@comcast.net

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Association of School Psychologists

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/21/17

Meeting Date

SB 438

Bill Number (if applicable)

n/a

Amendment Barcode (if applicable)

Topic SB 438

Name Brent Brummet

Job Title Principal, Ransom Middle School

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Phone 850-224-3626

Tallahassee, FL 32301

Email bbrummet@escambia.k12.fl.us

Speaking: ☒ For ☐ Against ☐ Information

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

Representing The Florida Association of School Administrators

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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

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

2/21/2014  
Meeting Date

SB 438  
Bill Number (if applicable)

Topic SB 438 - Out of School Suspension

Amendment Barcode (if applicable)

Name Peggy Kring

Job Title Principal of Moseley Elementary School

Address 1580 Selva Marina Dr.  
Street

Phone 904-382-5273

Atlanta Beach Fl. 32233  
City State Zip

Email mKring@my.putnamschools.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FASA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 604

INTRODUCER: Senator Simmons

SUBJECT: Education Funding

DATE: February 20, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff	Graf	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 604 authorizes an increase to the maximum discretionary millage that a school district may levy for fixed capital outlay from 1.5 mills to 1.7 mills. This millage requires school board approval only. Additionally, the bill expands the allowable use of the currently authorized four-year supplemental millage that must be approved through a local referendum or general election, to include fixed capital outlay in addition to school operational purposes.

The bill takes effect July 1, 2017.

**II. Present Situation:**

Florida school districts are funded by federal, state, and local governments.<sup>1</sup> State funding for school districts is primarily provided by legislative appropriations, the majority of which is distributed through the Florida Education Finance Program (FEFP).<sup>2</sup> Each school district participating in the state allocation of funds for the operation of schools must levy a millage that represents its required local effort (RLE) funding from property taxes.<sup>3</sup>

**Florida Constitution**

The Florida Constitution authorizes counties, school districts, municipalities, and special districts to levy ad valorem and other taxes.<sup>4</sup> Additional ad valorem taxes, other than those levied for less than two years or those that have been approved by the non-exempt property-owning voters, may not exceed 10 mills for school purposes.<sup>5</sup>

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<sup>1</sup> Section 1011.62, F.S.

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

<sup>3</sup> Section 1011.62(4), F.S.

<sup>4</sup> Art. VII, s. 9(a), Fl. Const.

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

### **RLE Millage – General Appropriations**

Each school district's required local effort (RLE) funding is calculated according to statutory requirements.<sup>6</sup> In order to determine the statewide average RLE millage, the Department of Revenue (DOR) certifies the most recent estimated property tax values of each district to the Commissioner of Education (Commissioner) no later than two working days prior to July 19 of the assessment year.<sup>7</sup> The Commissioner uses the estimated property tax values to calculate the RLE millage rate that would generate enough property tax revenue to cover the RLE amount for that year, as set forth in the General Appropriations Act (GAA).<sup>8</sup>

### **Discretionary Millage for Operations**

The district may, in addition to the RLE tax, levy a nonvoted current operating discretionary millage.<sup>9</sup> The legislature annually prescribes the maximum amount of this millage that a school district may levy.<sup>10</sup>

### **Discretionary Millage for Fixed Capital Outlay**

Each school board may levy up to 1.5 mills against the taxable value for fixed capital outlay for district schools, including charter schools at the discretion of the school board, to be used for purposes specified in law.<sup>11</sup> The authority to levy the additional millage was added to Florida law in 1980, and the amount for the millage was 2 mills.<sup>12</sup> In 2008, the Legislature reduced this millage to 1.75 mills, and further reduced it to the current 1.5 mills amount in 2009, with an offsetting adjustment to the millage authorized for operations in the FEFP.<sup>13</sup>

If the additional 1.5-mill levy is not sufficient to meet specified district school board needs, the board is authorized to levy up to 0.25 mills to supplement fixed capital outlay in lieu of an equivalent amount of the discretionary mills for operations as provided in the GAA.<sup>14</sup> The total discretionary millage levied for school purposes and fixed capital outlay, as provided in statute, may not exceed 1.75 mills.<sup>15</sup>

### **Additional Voted Millage for School Operations**

In addition to the levies described above, a school district may levy, by local referendum or in a general election, an additional millage for up to four years for school operational purposes.<sup>16</sup> This levy, combined with any other nonvoted millage levied, must remain within the 10-mill

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<sup>6</sup> Section 1011.62, F.S.

<sup>7</sup> *Id.* at (4)(a).

<sup>8</sup> *Id.*

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

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

<sup>11</sup> Section 1011.71(2), F.S.

<sup>12</sup> Section 1, ch. 1980-381, L.O.F.

<sup>13</sup> Section 33, ch. 2009-59, L.O.F.; section 10, ch. 2008-142, L.O.F.

<sup>14</sup> Section 1011.71(3), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 1001.71(9), F.S.

limit established in the Florida Constitution.<sup>17</sup> Any millage election conducted for this purpose must comply with statutory requirements<sup>18</sup> and the funds generated by such additional millage are not included in the calculation of the FEFP formula.<sup>19</sup> If an increase in the millage levied for this purpose would result in combined millage to exceed the 10-mill constitutional limit, this millage levied for school purposes must be considered to be RLE to the extent the district's millage would otherwise exceed the 10-mill constitutional limit.<sup>20</sup>

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

SB 604 authorizes an increase to the maximum discretionary millage that a school district may levy for fixed capital outlay from 1.5 mills to 1.7 mills. This millage requires school board approval only. Additionally, the bill expands the allowable use of the currently authorized four-year supplemental millage that must be approved through a local referendum or general election, to include fixed capital outlay in addition to school operational purposes.

#### **Discretionary Millage for Fixed Capital Outlay**

The bill increases the discretionary millage that a district may levy for capital outlay from the current maximum of 1.5 mills against the taxable value to 1.7 mills. The bill maintains the specified purposes for which the district may use these funds. The bill retains the district's ability to levy an additional 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the discretionary mills for operations as provided in the GAA. Accordingly, the bill increases the maximum additional levy for fixed capital outlay from 1.75 mills to 1.95 mills, to account for the increase in the maximum millage levy from 1.5 mills to 1.7 mills.

The authorization for an increased millage levy, if approved by a school board, would generate additional revenue for fixed capital outlay purposes.

#### **Additional Voted Millage for School Operations**

The bill expands the potential use of the supplemental millage that may be levied by a school board for operations, subject to approval by local referendum or in a general election, to also include fixed capital outlay. The bill does not change the constitutional 10-mill limit for levying millage for school purposes and retains the statutory requirements for such additional levies. Funds raised by the additional millage for school operations are not included in the Florida Education Finance Program formula. The bill directs that any additional millage levied for fixed capital outlay purposes will not be considered RLE, as is the millage levied for operational purposes which must still be included in RLE to the extent that the district millage would otherwise exceed the 10-mill limit.

The bill takes effect July 1, 2017.

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<sup>17</sup> Section 9(b), Art. VII, FL. Const.

<sup>18</sup> Section 1001.71(9), F.S.

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

<sup>20</sup> Section 1001.71(9), F.S.

**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:**

SB 604 authorizes an increase in the maximum millage that a school district may levy for fixed capital outlay for district schools, including charter schools at the discretion of the school board, from 1.5 mills to 1.7 mills and if approved by a school board would generate additional revenue for fixed capital outlay purposes.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Currently, 56 of the 67 school districts levy the maximum discretionary 1.5 mills authorized in statute.<sup>21</sup> If all school districts, including those levying less than the current maximum, were to levy the 1.7 mills proposed in the bill, total funds for fixed capital outlay would increase by \$378.7 million over the 2016-17 funds generated from the 1.5 mill levy.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1011.71 of the Florida Statutes.

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<sup>21</sup> Office of Funding and Financial Reporting, Florida Department of Education, *2016-17 School District Millage Data*.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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

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902056

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/21/2017	.	
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	.	
	.	

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The Committee on Education (Farmer) recommended the following:

**Senate Amendment**

Delete line 15  
and insert:  
subsection (1), each school board may levy not more than 2.0 ~~1.5~~

Delete line 79  
and insert:  
(3) Notwithstanding subsection (2), if the revenue from 2.0

Delete line 84



902056

12 and insert:  
13 in addition to the 2.0 ~~1.5~~ mills, may levy up to 0.25 mills for  
14  
15 Delete lines 89 - 90  
16 and insert:  
17 combined with the 2.0 ~~1.5~~ mills authorized in subsection (2),  
18 may not exceed 2.25 ~~1.75~~ mills. If the district chooses to use

By Senator Simmons

9-01353-17

2017604\_\_

A bill to be entitled

An act relating to education funding; amending s. 1011.71, F.S.; revising the amount each school board may levy for certain purposes; revising the purposes for which a school district may levy additional millage by specified means to include fixed capital outlay; providing an effective date.

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

Section 1. Subsections (2), (3), and (9) of section 1011.71, Florida Statutes, are amended to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.7 ~~4.5~~ mills against the taxable value for school purposes for district schools, including charter schools at the discretion of the school board, to fund:

(a) New construction and remodeling projects, as set forth in s. 1013.64(3)(b) and (6)(b) and included in the district's educational plant survey pursuant to s. 1013.31, without regard to prioritization, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing school plants or of leased facilities to correct deficiencies pursuant to s. 1013.15(2).

(c) The purchase, lease-purchase, or lease of school buses.

(d) The purchase, lease-purchase, or lease of new and replacement equipment; computer hardware, including electronic hardware and other hardware devices necessary for gaining access to or enhancing the use of electronic content and resources or

9-01353-17

2017604\_\_

to facilitate the access to and the use of a school district's digital classrooms plan pursuant to s. 1011.62, excluding software other than the operating system necessary to operate the hardware or device; and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support districtwide administration or state-mandated reporting requirements.

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a district school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not exceeding, in the aggregate, an amount equal to three-fourths of the proceeds from the millage levied by a district school board pursuant to this subsection. The three-fourths limit is waived for lease-purchase agreements entered into before June 30, 2009, by a district school board pursuant to this paragraph.

(f) Payment of loans approved pursuant to ss. 1011.14 and 1011.15.

(g) Payment of costs directly related to complying with state and federal environmental statutes, rules, and regulations governing school facilities.

(h) Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites pursuant to s. 1013.15(2), or of renting or leasing buildings or space within existing buildings pursuant to s. 1013.15(4).

(i) Payment of the cost of school buses when a school district contracts with a private entity to provide student

9-01353-17 2017604\_\_

transportation services if the district meets the requirements of this paragraph.

1. The district's contract must require that the private entity purchase, lease-purchase, or lease, and operate and maintain, one or more school buses of a specific type and size that meet the requirements of s. 1006.25.

2. Each such school bus must be used for the daily transportation of public school students in the manner required by the school district.

3. Annual payment for each such school bus may not exceed 10 percent of the purchase price of the state pool bid.

4. The proposed expenditure of the funds for this purpose must have been included in the district school board's notice of proposed tax for school capital outlay as provided in s. 200.065(10).

(j) Payment of the cost of the opening day collection for the library media center of a new school.

(3) Notwithstanding subsection (2), if the revenue from 1.7 ~~1.5~~ mills is insufficient to meet the payments due under a lease-purchase agreement entered into before June 30, 2009, by a district school board pursuant to paragraph (2)(e), or to meet other critical district fixed capital outlay needs, the board, in addition to the 1.7 ~~1.5~~ mills, may levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the discretionary mills for operations as provided in the General Appropriations Act. Millage levied pursuant to this subsection is subject to the provisions of s. 200.065 and, combined with the 1.7 ~~1.5~~ mills authorized in subsection (2), may not exceed 1.95 ~~1.75~~ mills. If the district chooses to use

9-01353-17 2017604\_\_

up to 0.25 mills for fixed capital outlay, the compression adjustment pursuant to s. 1011.62(5) shall be calculated for the standard discretionary millage that is not eligible for transfer to capital outlay.

(9) In addition to the maximum millage levied under this section and the General Appropriations Act, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes or for fixed capital outlay up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to s. 1011.73. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year. If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied for operations pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

Section 2. This act shall take effect July 1, 2017.

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

2/21/17

Meeting Date

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

604

Bill Number (if applicable)

902056

Amendment Barcode (if applicable)

Topic Millage

Name John Sullivan

Job Title Director of Legislative Affairs

Address 600 SE 3rd Ave

Street

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City

State

Zip

Phone 754-321-2608

Email John.Sullivan@browardschools.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Broward County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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

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

2/21/17  
Meeting Date

604  
Bill Number (if applicable)

Topic SB 604 + amendment

902056  
Amendment Barcode (if applicable)

Name Joy Frank

Job Title General Counsel

Address 204 S. Monroe  
Street

Phone 858-577-5784

Tallah FL 32301  
City State Zip

Email JFrank@FLAASS.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLA Association of District School Superintendents

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

S-001 (10/14/14)

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

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

2/21/17  
Meeting Date

604  
Bill Number (if applicable)  
902056  
Amendment Barcode (if applicable)

Topic School District Capital outlay

Name Beth Sweeney

Job Title Coordinator of Govt. Relations

Address 40 Orange Street  
Street

Phone 904-547-7500

St. Augustine FL 32084  
City State Zip

Email Beth.Sweeney@stjohns.k12.fl.us  
FL-US

Speaking: ☒ For ☐ Against ☐ Information

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

Representing St. Johns County School District

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/21/17

Meeting Date

604

Bill Number (if applicable)

902056

Amendment Barcode (if applicable)

Topic Education Funding

Name Spencer Pylant

Job Title Communications + Gov't Relations Liaison

Address 7227 Land O' Lakes Blvd  
Street

Phone 813-794-2259

Land O' Lakes FL 34638  
City State Zip

Email spylant@pasco.k12.fl.us

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Pasco County Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2 / 21 / 2017

*Meeting Date*

Topic \_\_\_\_\_

Bill Number 609  
*(if applicable)*

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH  
*Street*

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705  
*City State Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

2/21/2017  
Meeting Date

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

SB 1004  
Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Kelly Quintero Quintero

Job Title lobbyist

Address 540 Beverly Court  
Street

Phone 772 204 1782

Tallahassee FL 32303  
City State Zip

Email lwvadvocacy@  
gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing League of Women Voters of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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

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

2/21/17  
Meeting Date

604  
Bill Number (if applicable)

Topic Local Capital Outlay millage

Amendment Barcode (if applicable)

Name Vern Pickup - Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace  
Street

Phone 561-644-2439

Wellington FL 33414  
City State Zip

Email vacraw.ford@msn.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Charlotte, Treasure Coast Workgroup (Martin, Okeechobee, St. Lucie, Palm Beach)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2-21-17

Meeting Date

SB604  
Bill Number (if applicable)

Topic SB604 - Local Capital Millage

Amendment Barcode (if applicable)

Name Chris Doolin

Job Title -Consultant

Address 1118-B Thomasville Road

Phone 850-508-5492

Street

Tallah. Fla. 32303

City

State

Zip

Email cdoolin@netfla.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing SMALL SCHOOL DISTRICT COUNCIL CONSORTIUM

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/21/17

Meeting Date

604

Bill Number (if applicable)

Topic Education Funding

Amendment Barcode (if applicable)

Name Spencer Pylant

Job Title Communications + Gov't Relations Liaison

Address 7227 Land O' Lakes Blvd.  
Street

Phone 813-794-2259

Land O' Lakes FL 34638  
City State Zip

Email spylant@pasco.k12.fl.us

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Pasco County Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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

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

2/25/17

Meeting Date

SB 604

Bill Number (if applicable)

Topic District Capital Millage Authority

Amendment Barcode (if applicable)

Name Ruth Melton

Job Title Director of Advocacy Services

Address 203 South Monroe Street

Phone 850-414-2578

Tallahassee

City

FL

State

32301

Zip

Email melton@fsha.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida School Boards Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**NO MEETING  
MATERIALS  
AVAILABLE**



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Education, *Chair*  
Regulated Industries, *Vice Chair*  
Appropriations Subcommittee on the Environment  
and Natural Resources  
Health Policy  
Transportation

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

**SENATOR DOROTHY L. HUKILL**  
14th District

February 15, 2017

The Honorable Joe Negron  
President  
The Florida Senate  
Suite 409 Capitol  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear President Negron:

This letter will serve as my formal request to be excused from the Senate Committee on Education meeting scheduled for Tuesday, February 21, 2017. I am making this request due to a medical condition that restricts my ability to travel.

As chair of the committee and pursuant to Rule 2.25, I am designating Senator Wilton Simpson as acting chair for this meeting. I will continue to work with committee staff on all other matters related to my role as chair of this committee.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy L. Hukill".

Dorothy L. Hukill  
Chair, Senate Committee on Education

cc: The Honorable Wilton Simpson, State Senator, District 10  
The Honorable Debbie Mayfield, Vice Chair, Senate Committee on Education  
The Honorable Lizbeth Benacquisto, Chair, Senate Committee on Rules  
Shruti Graf, Staff Director, Senate Committee on Education  
John Phelps, Staff Director, Senate Committee on Rules

### REPLY TO:

- ☐ 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818
- ☐ 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore



# CourtSmart Tag Report

**Room:** KN 412  
**Caption:** Senate Education Committee

**Case No.:**  
**Judge:**

**Type:**

**Started:** 2/21/2017 9:03:00 AM

**Ends:** 2/21/2017 10:48:16 AM      **Length:** 01:45:17

9:02:59 AM Sen. Simpson in the Chair - meeting called to order  
9:03:06 AM Roll call - Quorum present  
9:03:19 AM Chair  
9:03:42 AM Pledge of Allegiance  
9:03:46 AM Chair  
9:03:59 AM Tab 5- SB 438 by Sen. Baxley  
9:04:14 AM Sen. Baxley to explain the bill  
9:04:48 AM Chair -Late filed amendment # 125328  
9:05:16 AM Sen. Stewart to withdraw amendment #125328  
9:05:27 AM Back on the bill  
9:06:19 AM Peggy Kring, FASA, Principal of Moseley Elem. School, Atlantic Beach, speaking in support of the bill  
9:09:16 AM Brent Brummet, Principal Ransom Middle School, Tallahassee, FASA speaking in support  
9:10:19 AM John Cerea, Fla. Association of School Psychologist, FASP lobbyist speaking in support  
9:10:50 AM Jessica Janasiewicz, Governmental Consultant, FASA, waives in support  
9:11:45 AM Sen. Baxley to close on SB 438  
9:11:51 AM Chair  
9:11:53 AM Roll call on SB 438 - favorable  
9:12:14 AM Sen. Baxley  
9:12:23 AM Tab 2 - SB 148 by Sen. Garcia  
9:12:59 AM Sen. Galvano question of sponsor  
9:13:55 AM Chair  
9:14:08 AM Hand written late filed amendment by Sen. Mayfield  
9:14:21 AM Sen. Mayfield to explain amendment  
9:14:33 AM Chair  
9:14:40 AM Amendment adopted  
9:14:45 AM Back on bill as amended  
9:14:59 AM Kate Asturias, Key Biscayne, FL., waives in support  
9:15:05 AM Nancy Lawthet, Miami, FL, Florida PTA waives in support  
9:15:17 AM Sen. Garcia to close on bill - waives close  
9:15:20 AM Roll Call on SB 148 - favorable as amended  
9:15:48 AM Tab 1 - SB 78 by Sen. Flores  
9:17:21 AM Chair  
9:17:36 AM Angie Gallo, Legislative Chair, Fla. PTA, Orlando, FL., speaking in support  
9:18:08 AM Barbara Hedge, St. Pete, FL, speak in favor of the bill  
9:20:03 AM  
9:22:10 AM  
9:22:11 AM Kate Asturias, Recess for Miami students, speaking in support of bill  
9:25:45 AM Marie Claire Leman, Tallahassee, FL, speaking in support  
9:27:12 AM Martina Brawer, Exec. Director, Fla. School Nutrition Assoc., waives in support  
9:27:18 AM Sen. Flores to close  
9:28:16 AM Roll call on SB 78 - favorable  
9:28:51 AM Tab 4 -SB 396 by Sen. Hukill - Sen. Bean to present bill  
9:29:45 AM Amendment #526242 by Sen. Hukill  
9:30:30 AM Chair  
9:30:43 AM Sen. Bean waives to close on amendment  
9:30:48 AM Chair - No objections to amendment  
9:30:49 AM Back on bill as amended  
9:30:56 AM James Doyle, Director of Gov. Affairs, FSU Student Government, waives in support  
9:31:00 AM Sen. Bean to close  
9:31:01 AM Roll Call for CS/SB 396 - favorable  
9:31:47 AM Tab 3- SB 376 by Sen. Simmons  
9:33:55 AM Chair

**9:34:05 AM** Amendment #723030 by Sen. Farmer  
**9:34:08 AM** Sen. Farmer on the amendment  
**9:45:49 AM** Sen. Farmer to withdraw amendments 723030, 318176, 503284, late filed amend. 113894, 909634, 189082  
**9:46:13 AM** Chair, show those amendments withdrawn  
**9:46:22 AM** Sen. Thurston on the bill  
**9:47:09 AM** Sen. Simmons in response  
**9:47:24 AM** Sen. Thurston  
**9:48:36 AM** Sen. Simmons  
**9:51:51 AM** Sen. Thurston  
**9:52:58 AM** Sen. Simmons  
**9:54:57 AM** Sen. Thurston  
**9:55:35 AM** Sen. Simmons  
**9:58:02 AM** Sen. Thurston  
**9:59:09 AM** Sen. Simmons  
**10:01:35 AM** Brian Pitts, Justice-2-Jesus, speaking for information  
**10:03:28 AM** Colleen Conklin, Flagler School Board, speaking against the bill  
**10:05:14 AM** Shawn Frost, President, Fla. Coalition of School Board Members, speaking for the bill  
**10:09:07 AM** Kelly Quintero, lobbyist, League of Women Voters of Florida, speaking for the bill  
**10:10:20 AM** Karen Zaremba, High School teacher, Lantana, FL, speaking against the bill  
**10:12:23 AM** Chair  
**10:12:27 AM** Sen. Thurston  
**10:14:49 AM** Chair  
**10:15:51 AM** Sen. Simmons to close on SB 376  
**10:17:16 AM** Chair  
**10:17:17 AM** Roll Call on SB 376 -favorable  
**10:17:41 AM** Chair  
**10:17:44 AM** Tab 6- SB 604 by Sen. Simmons  
**10:20:46 AM** Chair  
**10:20:49 AM** Amendment #902056 by Sen. Farmer  
**10:22:01 AM** Chair  
**10:22:06 AM** Sen. Simmons  
**10:22:51 AM** Sen. Stewart  
**10:23:24 AM** Chair  
**10:24:13 AM** John Sullivan, Director of Legislative Affairs, Broward County Public Schools to speak for ae  
**10:24:42 AM** Joy Frank, General Counsel, Fla. Association of District Schools, to speak in support of amendment  
**10:25:38 AM** Beth Sweeney, Coordinator of Govt. Relations, St. John's County School District, waives in s  
**10:25:40 AM** Spencer Pylant, Communications & Gov't Rel. Liaison, Pasco County Schools, speaking in support of bill  
**10:26:19 AM** Sen. Farmer to close  
**10:27:09 AM** Amendment # 902056 is adopted  
**10:27:18 AM** Back on bill as amended  
**10:27:23 AM** Chair  
**10:27:32 AM** Brian Pitts, Trustee, Justice-2-Jesus, St. Petersburg, for information  
**10:31:28 AM** Kelly Quintero, Lobbyist, League of Women Voters of Florida, speaking in support of bill  
**10:32:31 AM** Vern Pickup- Crawford, Legislative Liaison, Charlotte, Treasure Cost Workgroup, waive in support  
**10:32:44 AM** Chris Doolin, Consultant, Small School District Council, speaking in support  
**10:33:29 AM** Spencer Pylant, Communications & Gov't Relations Liaison, Pasco County Schools, waives in support  
**10:33:36 AM** Ruth Melton, Director of Advocacy Services, Fla. School Board Association, speaking in support of bill  
**10:37:08 AM** Sen. Simmons  
**10:38:06 AM** Sen. Simmons recommends TP bill  
**10:38:30 AM** Sen. Lee  
**10:40:20 AM** Chair, TP SB 604  
**10:41:21 AM** Tab 7 - Presentation on "The Future of Education, by Apple  
**10:47:38 AM** Chair  
**10:47:40 AM** Sen. Thurston, would like records to show he votes positive on SB 438 and SB 148  
**10:47:49 AM**  
**10:47:57 AM** Chair, without objection show motion adopted  
**10:48:02 AM** Sen. Mayfield moves to adjourn